J.7 14-1895.

G. R. S. IX-5]

Previous references.

1894-5

~~1895-6~~

File No. 55-94

~~191~~.

Serial Nos. 1-2.

(Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Khajpl **Part B for** Aug 1895

SUBJECT.

Memorial of certain prisoners under sentences of transportation for life to the Maharani of Khyrpore

W D 88—GPB—50,000—24-7-16

Indexed

Countersigned

MATTER FOR COUNCIL.

—:o:—

SUBJECT

The Appeal of Lakshman & 2 others against personal bar of the Madras Regulations

---

Circulated to Councillors.

Date of receipt.	Date when passed on.
6.7.95	
Rajadharma Pravina T. R. A. Thumboo Chetty, Esq., C.I.E.	6/7/95
P. N. Krishna Murti, Esq.	6/7/95
Khan Bahadur Abdul Rahman, Esq.	6/7/95

Dewan

Genl Secs.

Did the Councillors record any opinions which you forgot to send me or did they write none?

L. 20/8/95

Draft Submitted
for approval
20/8/95

2

261

In the Matter of a Memorial

addressed to Her Highness the Maharani-Regent by Sivarama, Madihalli and Bammantha, ~~Convicts~~ prisoners undergoing sentences of transportation for life in the Central Jail, Bangalore for the offence of murder punishable under § 302 of the Indian Penal Code.

Her Highness the Maharani-Regent

has been pleased to pass the following

Order.

No grounds whatever exist for any interference with the Sentence of Transportation for life into which the Chief Court has commuted the Sentence of Death passed upon the Memorialists by the Sessions Judge of Nagar, and their Memorial is accordingly rejected.

Bangalore August 1895

by order

K.V.S.

21-8-95

26/8/95

(General Serial No. 30).

OFFICE OF THE
17934
24. JUN 1895
CHIEF COURT OF MYSORE

1894/95 / 1658

From

The Registrar of the

Chief Court of Mysore.

To

The ~~Chief~~ Secretary

to the ~~Dewan~~ Govt. of Mysore.

Dated 21st June/95-

Despatched 22d "

Received

Enclosures No. two records sent separately

General No. 5549

No. 219

Forwards the accompanying memorial in Canarese together with the English translation thereof addressed to Her Highness the Maharani Regent of Mysore by Sivarama and two others Sepoys prisoners-

24-6-95

To. the Govt.

Dewan

25/6

Recd. 24/6/95

To. the Dewan

25/6/95

Cir. & Comn. for favour of their opinions

5/7/95

Central Jail Press, Bangalore.—25-4-94.—500.

Criminal Referred No. 112 of 1894-95 and Referred Case No. 2 of 1894-95
on the file of the Chief Court.

Two Copies of the printed Proceedings in Kadur Sessions Case
No. 6 of 1894-95

No. 5-329 In two
219 books sent
separately

Bangalore 21st June 1895.

From

The Registrar of the
Chief Court of Mysore

To

The General Secretary to the
Government of Mysore.

Sir,

I am directed to forward the accompanying memorial, in Kanarese, together with the English translation thereof, addressed to Her Highness the Maharani Regent of Mysore, by Sivarama, Madihalli and Hanoomantha, Sessions prisoners undergoing sentences of transportation for life in the Central Jail Bangalore.

2. The marginally noted records are herewith forwarded for reference.

3. It is reported by the Sessions

Judge

Judge of Nagar in his letter No. 490 dated 30th ultimo, that the original record in Kadur Sessions Case No. 6 of 1894-95, has been forwarded to the Assistant Commissioner and 1st class Magistrate of Kadur for the trial of the approver in that Case, viz, Kariinga.

I have the honor to be,
Sir,
Your most obedient Servant;

D. Raja Datha Murti
Dy. Registrar
D.C. as Registrar

46

Translation of a memorial addressed to Her Highness the Maha Rani Regent by Life convicts Sivarama and 2 others of the Bangalore Central Jail -

To

Her Highness the Maha Rani Regent of Mysore C.I.

The humble memorial of convicts Sivarama no 2998, Madihalli no 2999 and Hanumanta no 3000 now undergoing sentences of Transportation in the Bangalore Central Jail -

Humbly sheweth -

That the memorialists were sentenced to capital punishment in Kadur Sessions case no 6 of 1894-95, and on appeal to the Chief Court, the memorialists instead of being released altogether were unfortunately sentenced

† Crim. appeal no 112 of 1894-95

Sentenced to be transported for life - That the memorialists are quite innocent. they did not commit the offence; and still they have been subjected to a dreadful sentence.

That your Highness memorialists most humbly pray that their case may be taken into favorable consideration and orders passed for their release from confinement -

Bangalore 20th April 1895.

Signed Sivarama — mark of Madihalli
— mark of Hanumanta

Translation

Sessions Judge
Nagar Division

No. 2661
J298

Courts 1894-2
55-1894-2

OFFICE OF THE DEWAN OF MYSORE.

Dated Bangalore. 26th August 1895

From

The ~~Chief~~ General Secretary to the ~~Dewan of~~ Govt Mysore.

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoners Swaramma, Madihalli & Hanumanta undergoing sentence of ~~transportation for life~~ in the ~~Central~~ Jail, copy of order passed by H. H. the Maharaja Regent on the prisoner's memorial.

X will follow
x sent on 9/9/95. vide Delivery book.

2. The entire records received with your letter No. 5549 / 219 dated 21st June 1895 are herewith returned.

I have the honor to be

SIR,

Your most obedient servant

26.8.95

~~Chief~~ General Secretary.

5/9/95

Of No 48

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

This 9th day of July 1894.

Before M. Ramaswamy Iyer, Esq., B.A., B.L., Sub-Judge.

Original Suit No. 48 of 1891.

Plaintiffs	vs.	Defendant
1. Annajee Achar. 2. Ramachar. 3. Kristnamoorthi Achar. 4. Sreenivasamoorthi Achar. 5. Vasadevamorthi Achar. 6. Vedavyasachar. 7. Bheemachar, minor by guardian Vedavyasachar. 8. Parapathya Babannachar. 9. Parapathyasashya Vijayachar.		The Ootharady mutt, His Holiness the Swamy of the said mutt for the time being known as Sreesatya Dheera Theertha Sree Pandangalavaru.

JUDGMENT.

Suit to establish plaintiffs' right as Vydeeka Parapathigars of the Ootharady mutt and to recover rupees 4233—3—4 as damages with costs of the suit.

2. The plaint is as follows :—

I. The plaintiffs and their ancestors have been from time immemorial hereditary Vydeeka Parapathigars of the mutt, known as the Ootharady mutt, the head quarters of this being Holy Narasipur in the Hassan District.

II. The hereditary nature and rights of such Vydeeka Parapathigars have been at all times recognized and acted upon by successive swamies of the mutt and also by Nirupas of Sovereigns and Dewans and have also been set forth in the rules of the mutt as in the book called Matada Sampradaya Padhatee Book.

III. The plaintiffs by turn have been doing the duties for the last 25 years, before which their fathers were doing the duties.

IV. While the 1st plaintiff was doing his duties in his turn, the defendant's predecessor wrongfully

and illegally asked him to quit the mutt and removed him from the office and hereditary huque, and also gave him an order to that effect.

V. The defendant's predecessor had no ground whatever and was not justfied in removing the 1st plaintiff, and in ordering him not to enter the mutt, and perform the usual duties, thereby depriving him and the plaintiffs of the emoluments attached to the office.

VI. Annuities, emoluments, and perquisites are attached to the office and the plaintiffs as Vydeeka parapathigars are entitled to a Varthane of two and a half (2½) per cent on the gross income and revenue derived from villages and lands of the mutt and also on the Mattadhikara and other money payments made to the mutt.

VII. The defendant has deprived the plaintiffs of the said emoluments and the plaintiffs have in consequence suffered considerable damage.

VIII. The plaintiffs petitioned the defendant and also caused a notice to be given to him by their advocate, but he did not heed it.

IX. The plaintiffs pray for judgment—

(a) Declaring that they are the hereditary Vydeeka Parapathigars of the mutt and that they are entitled to hold the office as such.

(b) Directing the defendant to appoint the plaintiffs or any one of them as Vydeeka parpathigars.

(c) Directing the defendant to pay plaintiffs rupees 4,233—3—4 being the emoluments due to them as particularized below.

(d) Directing the defendant to pay all costs of the suit.

(e) And also for such other relief as the court may fit under the circumstances.

X. The cause of action is the wrongful dismissal of the 1st plaintiff and arose on 2nd August 1885.

XI. The court has jurisdiction as the head quarters of the defendant's mutt is Hole Narasipur.

XII. Memo showing the annuities, emoluments and perquisites attached to the office of Vydeeka Parapathigar for one year.

1,125	0	0	(1).	Percentage on gross income and revenue derived from villages, lands, Mattadhikara and on money payments made to mutt at $2\frac{1}{2}$ per cent or about rupees 45,000.
450	0	0	(2).	Provisions batta amounting to about
60	0	0	(3).	Pay of the servant allowed to Vydeeka Parapathegar.
100	0	0	(4).	Varthane for Padaprakshalana about.
132	0	0	(5).	Annuities.
2	10	0	(6).	Verthane or Ugadi day.
13	0	0	(7).	Thursday Varadana at 0—4—0 a Thursday.
3	0	0	(8).	Bengal gram for Thursdays at one seer per Thursday.
1	12	0	(9).	Verthane on Ramanavami day incuding sugar, &c.
0	14	0	(10).	Curd rice gift in the Vysaka month.
0	10	0	(11).	Daily gift in the Vysaka month at 4 pies per day.
0	10	0	(12).	Vysakha Alankara.
0	12	4	(13).	Gift of Bengal grain during Sankramans.
0	14	0	(14).	Varthane on Nagara Panchami day.
9	0	0	(15).	Varthane during Mahasamaradhane.
0	6	8	(16).	Bagana on Varamaha Lukshimi day.
1	14	0	(17).	Gift on Upakarma day including Sahithyas.
3	10	0	(18).	Verthane on Gokalastami day including Sahithyas.

15	0	0	(19).	Paduka Alankara.
0	6	8	(20).	Verthane on Swarnagowri day.
1	8	8	(21).	Verthane on Ganesa Chathurthi day including bagana &c.
0	6	8	(22).	Bagana on Rushipanchami day.
0	6	8	(23).	Bagana on Anantha Chathurdasi day.
0	4	8	(24).	Gift on Bhadrapada Alankara day.
10	0	0	(25).	Shradhas and Pakshas of swamy's father.
5	0	0	(26).	Shradhas of swamy's mother.
2	10	0	(27).	Arathi on Naraka Chathurdasiday.
2	10	0	(28).	Do on Balipadya.
1	12	0	(29)	Varthane for Mahabhisheka including sugar &c.
0	14	0	(30)	Varthane for Balipadya.
0	14	0	(31)	Karthika Dana.
0	6	8	(32)	Present on Seetha Jayanthee day.
0	14	0	(33)	Varthane for Holyfeast.
0	6	8	(34)	Gift on eclipse days.
67	0	0	(35)	Ready cash for feeding ponies (grass. &c.)
100	0	0	(36)	Allowances for domestic occurrences.
2,116—9—8				Total for one year rupees.
4,233—3—4				For two years rupees.

3. The defendant pleaded as follows:—

The plaintiff alone cannot maintain the suit without their co-parceners joining them. The plaintiffs have no hereditary right and their claim is barred. The items specified on the schedule and the income of the mutt are incorrect. In the event of the plaintiffs being declared entitled to the office, they are not entitled to the emoluments of the period preceding their notice to the defendant.

4. The suit came on for settlement of issues on 8th September and 1st October 1891, when plaintiffs were represented by Mr. S. Ramaswamy Iyer and the defendant by Mr. C. Rajarao.

5. The following issues were framed :—

I. Whether the claim of the plaintiffs either to the office or emoluments is barred by limitation, if so, how and in what manner ?

II. Whether the office claimed is hereditary and whether it has been held and enjoyed by the plaintiffs and their ancestors ?

III. When were the plaintiffs dismissed ?

IV. Whether the items relating to the income of the mutt mentioned in the plaint are correct ?

V. Whether the plaintiffs are entitled either to the office or the emoluments claimed ?

VI. Whether they are entitled to the emoluments for the period preceding their notice to the defendant ?

6. The suit came on for final hearing on 1st December 1891. 21st, 22nd. 23rd, 24th, 28th, 30th and 31st March ; 1st, 2nd, 4th, 6th, 7th, 8th, 11th, and 12th April ; 11th May ; 13th, 14th, 15th, 16th, 17th, 20th, and 22nd June ; 18th August ; 18th October ; 11th, 2 st and 29th November ; 12th December 1892. 1st and 27th March ; 31st May ; 18th July ; 9th August ; 5th September and 30th September ; 13th October ; 10th and 23rd November ; 5th and 22nd December 1893. 1st February ; 4th, 5th, 6th, 7th and 8th March 1894. When plaintiffs were represented by Mr. M. C. Rangaiyengar and the defendant by Messrs. M. O. Parthasarathyiyengar and H. Narsingrow.

7. The plaintiffs examined 21 witnesses in this court and two on commission and the defendant examined 10 witnesses in this court and 12 on commission.

8. The list of exhibits filed by the parties is hereunto appended.

9. This is one of the 12 suits brought by certain servants of the Oottaradi mutt, one of the (3) principal mutts in this province belonging to the Madhwa community

against the defendant, the present swamy of that mutt for the recovery of certain hereditary offices with their emoluments.

The plaintiffs who are (9) in number are cousins. They are descended from a common ancestor and allege that the office they claim known as the "Vydeeka parpathya" office is a hereditary office, that it was held and enjoyed by them and their ancestors from generation to generation, that the defendant's predecessor Sathyaveerasawmy improperly dismissed them from the office and deprived them of the emoluments belonging to the office amounting to some thousands of rupees a year and that both he and the defendant refused to reinstate them notwithstanding their repeated representations.

The defendant admits that there is an office in the mutt, the duties of which are the same or similar to those of the office claimed by the plaintiffs and calls it "Ele parpathya" but not "Vydeeka parpathya." He contends that that office is not hereditary, that it does not belong to the plaintiffs and their family, that he can appoints and remove persons from it at his pleasure, that the suit is barred by limitation, that no emoluments are attached to the office and even if any the plaintiffs cannot get them for any period preceding the date of their notice to him.

The principal questions therefore for decision in the case are :—

1. Whether the office is hereditary and whether it belongs to the plaintiffs ?

2. Whether emoluments are attached to the office and if so what ?

3. Whether the suit is barred by limitation ? and

4. Whether the plaintiffs are entitled to the office and the emoluments claimed ?

Both parties have examined a large number of witnesses in support of their respective allegations and I am satisfied from a perusal of their evidence that the plaintiff's witnesses are more respectable, more disinterested and more reliable than the defendants.

First whether the office is hereditary and whether it belongs to the plaintiffs ?

Of the (21) witnesses examined by the plaintiffs in this

court (15) are defendant's disciples. He exercises spiritual control over them and their evidence which is against him and with regard to the matters totally denied by him is entitled to much weight and consideration.

The 1st witness Vyasakristnachar is an old man of 73. He is a palace pandit and a disciple of the Vyasaraya mutt. He is in no way related to or interested in the plaintiffs and there is no reason to disbelieve his evidence which is to the effect that the office in question is hereditary that it was held by some of the plaintiffs and their ancestors and that he has seem them taking "Varthane" and varamane (emoluments) from the mutt. He mentions the names of the 3rd plaintiff's father and grandfather and also of the 6th plaintiff's grand father in connection with the office. The next witness Soobharao is a Government pensioner. He is respectably connected being a relation of Dewan Poorniah and the brother-in-law of Sathya Santhoosta swamy one of the defendant's predecessors. He deposes that the office is hereditary and that he has seen 3rd plaintiff's father Vishnoopadachar and second plaintiffs father Bindoovachar holding the office and enjoying "Varthane" at $2\frac{1}{2}$ per cent on the gross income of the mutt. The 3rd witness Ramachar is also an old man. He calls the office "Parpathya" and says that the 2nd plaintiffs' father Bindoovachar and the 6th plaintiff's father Vedavyasachar alias Gururayachar performed the duties of the office and enjoyed the emoluments. The next witness Jayachar is the palace pundit like the 1st. He says that there are 63 offices in the mutt, that the office in question is hereditary in the plaintiff's family, that some of the plaintiffs and their ancestors held and enjoyed its emoluments and refers to exhibit D in support of his statements. The 5th witness Annayachar is a native of Bangalore. He performed the "pada-pooja" of Sathyakamaswamy when the 2nd plaintiff, his father and his uncle were doing duty and taking "varthane." He also saw the 2nd plaintiff in office when he went to Hyderabad to see the swamy. The next 3 witnesses are Smartha Bramins of Hole Narsipur, the headquarters of the defendant's mutt. They support the plaintiffs' claim and say like their predecessors that the office is hereditary and that they have seen some of the plaintiffs and their ancestors performing its duties and enjoying the emoluments. The fact that two of them have signed a petition addressed by the "Mahajans" of Hole Narasipur against the defendant complaining of certain irregularities on the part of his agent and asking for the interposition of the Government is not sufficient to discredit or condemn them as false witnesses. The 9th witness is a native of Bangalore. He performed the pada pooja of Sathya Parayana Swamy and Sathyakama Swamy, paid Varthane to some of the plaintiffs who were then holding

the office and knows that it is hereditary in the plaintiffs' family. The 10th witness Venkata Doss also supports the plaintiffs' case. He mentions the fathers of the 1st, 2nd, 3rd, 6th and 9th plaintiffs as having held the office and enjoyed the emoluments. This witness calls himself a "Dossa" but we are not to understand from it that he is a beggar. He was much respected for his learning and professional attainments by the late Maharajah who has prsented him with several lands and insignia. The Sringere Gooroo also presented him with a "Sivethachatra" or white umbrella considered as a mark of respect and honor. The next 3 witnesses that is the 12th, 13th and 14th also depose that the office is hereditary in the plaintiffs' family and that they have seen several members of it performing the duties and enjoying the emoluments. The 11th witness is the defendant's agent and the 17th is Mr. Rajarow. Their evidence is mostly about documents and properly falls under the head of documentary evidence. The 15th and 16the witnesses are two of the plaintiffs in the case and there is nothing in their evidence to help the defendant. The next witness is shanbogue Venkannachar. He is one of the plaintiffs in the shanbogue case and his evidence which relates chiefly to some of the documents relied on by the plaintiffs is entitled to much weight. The 15th witness Veene Madhavachar has also filed a suit against the defendant but his evidence cannot be discredited on that grond because it is amply borne out by the documents in the case. The 19th witness is one Khatte Raghavendrachar. He is still the Parpathegar of the defendant's mutt in Srerungapatam and says that the Office is hereditary in the plaintiffs' family that several members of that family held and enjoyed its emoluments and that the defendant's agent Purooshothamachar (plaintiffs' 11th witness) once borrowed rupees 300 from him on a bond in order to pay the same to the 2nd plaintiff Ramachar on account of his "Varthane." Purooshothamachar is not bold enough to deny this fact. He says that he does not remember a statement usually resorted to by those who do not wish either to speak the truth or are afraid of doing so. The last witness Venkatarow like the other witnesses supports the plaintiffs' case and being a Government pensioner and the descendant of a respectable family his evidence cannot be easily disbelieved. He has once performed the "pathapooja" of Sathyakamaswamy and seen the mutt books and accounts from which he derived part of his knowledge of the mutt and its constitution.

Two more witnesses were examined on commission, but as their evidence relates chiefly to documents, I shall discuss it under that head.

The defendant has examined 10 witnesses in this court

and 12 witnesses on commission. Of those examined here the 1st and 2nd are the 2nd and 3rd plaintiffs. There is of course nothing in their evidence to help the defendant. They speak about their own case and the documents produced by them. The 3rd, 4th, 6th and 7th witnesses hail from different parts of the Bombay Presidency where the defendant has been staying for several years past notwithstanding the repeated requests of his disciples in this part of the country to pay them a visit. The 3rd witness Bheemasenachar is the present shanbogue of the mutt. He says that the office in question is not hereditary that no emoluments are attached to it and that several persons including the 2nd plaintiff were "Ele Parpathegars" in the mutt. He however admits documents produced on behalf of the plaintiffs and this circumstance considerably diminishes the value of his evidence. The 4th witness Venkannachar also deposes similarly but he admits that the plaintiffs' family alone is known as the Parpathya family and that the officers of "Parapathya" and Shanbogue are hereditary. (Hakdaree). He is the defendant's agent for the Nizam's dominions. The 6th witness admits that some of the plaintiffs' performed the duties of "Ele Parapathya" and that in the mutt accouut and papers their family alone is montioned as the "Parapathea" family. The last witness is admittedly a hanger on of the defendant He depends on the defendant for his livelihood and although his evidence is not worth much still he admits that the 2nd plaintiff was "Ele Parpathegar" for some time. Similarly the 8th witness is a dependent of the defendant and he also admits that some of the plaintiffs held the Office. The remaining witnesses, that is the 8th, 9th and 10th witnesses belong to Hole Nursipore. They were not dismissed like the plaintiffs and some other servants of the mutt. Their evidence is therefore interested but there are certain admissions in it which are most damaging to the defendant. The 5th witness Pooriachar is the librarian of the mutt. His office is also hereditary carrying certain emoluments with it. He admitted this fact when examined as a witness in Suit No. 760 of 1888 but denies it now. He however admits that some of the plaintiffs held the office. The evidence of the 9th witness entirely supports the plaintiffs' case. He admits that office is hereditary, that several members of the plaintiffs' family held it and that the family itself is known as the Parpathya family. Similarly the 10th witness admits some of the most important documents relied on by the plaintiffs in support of their case and concludes by saying that their family is known as the Parpathya family and that several members of it performed the duties and enjoyed the emoluments of the office. It is thus obvious that there is a good deal in the evidence of the defendant's own witnesses to support the plaintiffs' case although it was so stoutly denied by the defendant. The next batch of witness was examined

on commission. They belong to different places in British India and their evidence is very vague and indefinite. They are not acquainted with the plaintiffs and their family and being more or less interested their evidence is not of much value. Some of them are now employed in the mutt in the several offices for which suits have been filed against the defendant. Some enjoy lands, villages and other emoluments from the mutt while others are related to the defendant. In connection with the gift of property belonging to the mutt it has to be borne in mind that the hereditary servants of the mutt question the power of the swamy to make the gift without their consent and there are instances not denied by the defendant and his partisans wherein such gifts have been cancelled on the complaint of the mutt servants. I will not therefore discuss the evidence of each witness in this batch in detail but will only refer to few and dismiss the rest with some general remarks and observations.

The 1st witness is one Havery Kristnachar. He knows nothing and is too old even to identify the document shown to him on behalf of the defendant. He still enjoys some lands and villages granted by the defendant's predecessors and admits that other gifts made to him were cancelled on the complaint of the mutt servants. Being the brother of Sathyaparayanaswamy he is bound to support the defendant's cause and is as much interested as the defendant himself. The next witness Dhoomadavasappa is a native of the defendant's village in Dharwar and manages the lands and villages of the mutt. He says that he and his father performed the duties of "Eleparpathya" and "Voograna" in the mutt. The 3rd witness Bheemananayak is a disciple of the defendant. He contradicts the other witnesses by saying that there are 20 or 25. Parpathyas in the mutt. The 4th witness Muttadavadavyasachar simply knows that there is an office in the mutt called "Vydeeka Parpathya" (a name not admitted by defendant) but does not know who holds or performs its duties. He enjoys some lands and Varshasana from the mutt. The 5th witness Mellegette Thammannachar says that there are only two Parpathyas in tha mutt, but does not know who holds or enjoy them. He also enjoys some lands and villages under the mutt. The next witness Pandooranga Soobbannachar makes a similar statement while the 7th witness Rajachar who is also a disciple of the defendant and the worshipper of the Brindavana of Sathya Dharmaswamy says that there are only two Parpathyas in the mutt and that he has heard that "Ele Parpathya" was held and enjoyed by some of his ancestors. It is unnecessary to refer to the evidence of the remaining witnesses as it equally vague, indefinite, unsatisfactory and interested. They know none of the plaintiffs and their ancestors and have evidently derived their inspiration from the de-

fendant and his agents. Compared their evidence, the evidence of the plaintiff's witnesses is decidedly superior and trustworthy. They are perfectly disinterested and the admitted fact that the plaintiffs appointed their own substitutes without reference to the Swamy whenever they came to this country, shows that they had a sort of "Huk" or lien on the office and that the power of the Swamy over them was not absolute and unlimited. The Majority of the plaintiff's witnesses are either palace pandits, or Government pensioners or private gentlemen of independent means and seeing how far their evidence is corroborated, in a most unexpected manner by some of the defendant's principal witnesses. I have no hesitation whatever in finding upon the oral evidence in the case, that the office in question is hereditary and that it belongs to the plaintiffs.

As to the documentary evidence in this case, I find that it is much more voluminous and important than the oral evidence. It consists of several documents, such as Niroopa's of the late Maharaja, parwanas of Dewan Purniah, agna putras, Vyvasthaputras and letters of the mutt written to the plaintiffs and their ancestors at various times for various purposes and therefore requires more care and discrimination. Accordingly I propose to consider them under the 4 following heads :—First those that bear upon the hereditary character of the office, second. Those that prove the emoluments claimed by the plaintffs. Third those that bear on the question of Limitation and, fourth other documents.

First as to the documents relied on by the plaintiffs in support of their contention that the office is hereditary in their family.

A, B, C, D, E, J, AB, AF, AQ, AR, AV, AAD, AAM, 3 AD, 3 AU, 3 AX, 3 AY and 5 A — These documents are noted in the margin.

(A) is an important document. It is the same as A43 in 760 of 1888 and is a Vyavastha patra executed to the mutt servants by Sathya Dharmaswamy in the year Euva. It is an express authority for holding that the several offices in the mutt are hereditary with emoluments attached to them. It is of a very ancient date and was held to be genuine in the suit of 1888. In this case it is proved by the plaintiff's 1st and 16th witnesses. The defendant's 10th witness admits it and says that he is in possession of a similar document and that Hewaldar Venkata Bheemachar mentioned in it is his grandfather. It contains the name of the 6th plaintiff's grandfather Acharappachar alias Venkatapathyachar who held the office then and was executed immediately after the mutt records were destroyed by fire. I have no doubt whatever that this is a genuine document.

(B) is the same as A27 in 760 of 1888. I am satisfied that this is also a genuine document. It is a niroop of the late Maharajah issued to shanbogue Shamachar and proves that the offices in the mutt are hereditary and that the shanbogue, Royasa and the two parpathegars are each entitled to a Varthane of 2½ per cent on the gross income of the mutt. It is proved by the plaintiffs' 1st and 4th witnesses.

(C). This is a Vayavatha patra executed to the mutt servants by Sathaya Sunkalapaswamy in the year "Jaiya" and is the same as A44 in 760. It is proved by the plaintiffs' 1st and 16th witnesses after his installation the swamy got the affairs of the mutt managed by his son without reference to the mutt servants. The latter resented and complained to the chief disciples of the mutt. They spoke to the swamy and got him to execute this document binding himself not to act against the mamool and the estabalished usages of the mutt. It proves that the the offices in the mutt are hereditary and that emoluments are attached to some of them.

(D). This is the same as (J) in 760. I have no doubt it is also genuine. The plaintiffs' 4th and 11th witnesses admit it. It shows that there were 63 Hukdar or hereditary servants in the mutt who were improperly dismissed from their offices by Sathyaparakramaswamy and authorizes Ramagary Samachar of Mysore to take charge of the mutt and its property with the help of the hukdar servants till a competent successor is appointed to the said swamy.

(E). This is the same as (Y) in 760. Its genuineness has been established beyond all doubt. Messrs Rajarow and Anandarow and defendant's agent Purooshothamachar admit their signatures in it. It proves that the 63 offices in the mutt are hereditary and that the hereditary servants of the mutt are competent to interfere with the action of the swamy whenever it is calculated to prejudice the interests of the mutt.

(A B) This is the same as A66 in 760 and is an equally important document. It proves that the offices in the mutt are hereditary and that the mutt servants have right to control the actions of the swamy. The defendents agent admits that it contains the defendant's signature in his "Purvasrama."

(A E) This was not produced in the suit of 1888. It is however admitted by the defendant's agent and is addressed to 3rd plaintiff's' grand father, Krishnachar, directing him not to exact the fees usually paid to the mutt from the 2nd plaintiff Ramachar. It is important as showing that the plaintiffs family was always attached to the Mutt and known as the Parpathya family.

(A Q and A R) These are the same as (K and L) in 760. They are the Niroops of the late Maha Raja addressed to shambogues Shamachar and Soobbannachar and show that at that time there were two Swamies in the mutt, that the offices in the mutt are hereditary and that the servants of the mutt can question the actions of the Swamy whenever they are against mamool. The plaintiffs 14th witness swears that they contain the seal and signature of the late Maha Rajah.

(A V) This is the same as V 63 in 760. It was held to be genuine in that case and in this it is proved by the plaintiffs' 14th witness Kristna Row. It is a petition addressed by the son of Sattya Ramaswamy to the late Maha Raja and shows, that the consent of the of the mutt servants is necessary whenever a new Swamy is appointed to the Mutt.

(A. A. D) This is the same as A 46 in 760. It is a parwana of Dewan Purniah to the Amildar of Hole Narasipoor and was held to be genuine in that case. It is now proved by the plaintiffs' 15th and 16th witnesses and shows that the several offices in the mutt are hereditary and that the shanbogue and Parpathegar of the mutt are entitled to Varthane on the gross income of the mutt.

(A A M.) This is an agnapatra of the mutt addressed to Matadhikaree. Ramachar directing him not to levy the usual mutt fees from the members of the plaintiffs' family as they are the hereditary Parpathegars of the mutt. It is proved by the plaintiffs' 15th and 16th witnesses and I have no reason to doubt its genuiness.

(3 A D.) This is the same as A 42 in 760. I am satisfied that this also is genuine. It is an important document purporting to have been executed by Sathyavaraswamy and shows the office in question is hereditary and that emoluments are attached to it.

(3A N, 3A Exhibit and 3 Ay.) Of these the last two are the same as (X) and (A 50) in 760. They are not important inasmuch as the defendant and his predecessors were not parties to them. They are however useful as showing that the mutt offices are hereditary and that even in those days strikes on the part of servants were not uncommon and were resorted to for the purpose of compelling their masters to yield their wishes.

(5A). This is the deposition of the defendants 9th witness Madavanthachar in (760). It is important as showing that the (63) offices in the mutt are hereditary and that some of them carry no pay but only emoluments. It also shows that this witness has not spoken the whole truth in this case. Most of the above docu-

ments were produced in 1888. The plaintiffs could not have therefore concocted them. Their genuiness both in this and in the suit of 1888 is estahlished beyond all doubt, and they prove most satisfactorily that the office in question is hereditary in the plaintiffs' family. Thus the documentary evidence on this point leads to the same conclusion as the oral evidence. Second—Whether any emoluments are attached to the office and if so what? The oral evidence on this question is the same as on the 1st question. I have already discussed it and given my opinion and I hold that it proves the several items of the emoluments claimed by the plaintiffs. The most important Item however is the Varthane or per sentage of rupees $2\frac{3}{4}$ which the plaintiffs claim on the gross income of the mutt. The documentary evidence on this item comprises the marginally noted documents.

B, L, N, R, W, AT, AAD, AAL, AAM, AAU, AAV, AAW, AAY, 3 AD, 3 AM, 3 AN, 4AB, 4 AC, 4AD, 4 AH, 4 AR, 4 AU, 4 AV, 4 AW, 4 AY and 4 AZ.

Of these (B) AAD and 3 A D were discussed under the 1st question (L) has no bearing on this case although I have no doubt that it is also genuine.

(N). Is an account patty admitted by the defendant's agent and the defendant's 3rd witness. It was executed to the 9th plaintiff Babannachar by the defendant and contains a reference to this item.

(R). Is a similar account patty executed to the same individual by the defendant. It is also admitted by the defendant's agent and proves this item. It is an important document because it was executed after the dismissal of the plaintiffs from their office. The defendant's 3rd witness Bheemasenachar has also admitted it in the suit of 1888.

(W.) This is an agnapatra of the Mutt to the 2nd plaintiff. It is admitted by the defendant's agent and prove the "Varthane" with reference to this document, the defendant's agent says "It was written by the Swamy to Soobbannachar and money may have been paid by me according to it or through Soobbannachar."

(AT.) This is the same as A 30 in 760 of 1883. I am satisfied that it is genuine. It show that the plaintiffs are entitled to the "Varthane" and that at one when it was not paid and their ancestors complained to the late Maharaja and enforced the payment.

(AAL and AAN.) These are agnapatras of the Mutt proved by the plaintiffs' 15th and 15th witnesses and show that the plaintiff's were getting "varthane,"

(A A U) This is account patty of year Raktathhee excuted to the 9th plaintiff's father Swamy Raya Char and admitted by the defendant's 10 witness. It also proved the Varthane of this and the other offices in the mutt.

(A A V.) Is a similar account patty similarly proved.

(A A W.) This is a receipt executed by Sathya Sumkalpa Swamy to 9th plaintiff's father. I have no doubt that it is genuine. It contains a reference to the Varthane and other emoluments of this office.

(A. A. Y.) is an account patty admitted by defendant's 10th witness. It also proves the Varthane.

(3A. M. and 3A. N.) These are agnapatras the genuineness of which there is no reason to suspect. They also prove the Varthane.

(4A B, 4A C and 4A D.) are accounts pattees executed to LowkeekaParpathya Kristnachar by the mutt. They are admitted by the defendant's 16th witness and support the plaintiffs' claim to the several items mentioned in the plaint.

(A H) is a letter written to the plaintiff Vadavyasachar by Anjachar and proved by his own evidence. It shows that he was getting Varthane.

(4AR). This is an important document. It shews that Varthana was being paid to the plaintiffs and is proved by the evidence of Mittadar Ramasetty examined on commission. He is a disinterested and respectable man and states that plaintiff Babannachar gave it to him and that according to it he paid him the amount.

(4AU 4AV and 4AW) belong to the shanbogue case and refer to the payment of Varthane &c., in that case.

(4AY). This is a very important document. It is the Sampraduya Paddhatee book of the mutt and contains a division of the several offices in the mutt with their duties and the emoluments attached to them. It was found to be genuine in the suit of 1888 and I am also of the same opinion in this case. It was prepared after the mutt records were destroyed by fire and purports to be a concise repositary of the usages and customs of the mutt and has been signed by all the swamies except the defendant. It was produced now by the same Lutchmeekantachar who produced it in 1888 and there is nothing in the oral and documentary evidence now adduced by the defendant to throw any suspicion upon it. The last document bearing on this item is 4A Z. It is the

same as A63 in 760 and was produced by the same Lutchmeekantachar who produced (4AY), the Sampradaya Puddathee book of the mutt. I have no doubt that it is genuine. The witness states when and under what circumstances it came into existence and it contains an express reference to the item in question.

The next item is the Varshasana or annuities granted to the plaintiffs and their ancestors at various times by successive swamies of the mutt. This item is not seriously disputed by the defendant. He says that it does not show that the plaintiffs or their ancestors were holding any hereditary office in the mutt or that it was granted to them on account of any such office. The plaintiffs themselves do not assert that they are entitled to it by virtue of their office. They claim it because as long as they were employed in the mutt it was being paid to them with the emoluments attached to their office. I have no doubt that the marginally noted documents which relate to this item are genuine. Exhibits M, O, AD, AF, and AG are admitted by the defendant's agent Puroo-

M, O, AD, AN, AG 2, AP, 2AQ, 2 AR, 2AS, 3AG, 3 AX, and 3 AR.

shothamachar.

(M and AG) purport to have been issued to mittadar Appajees-tty on the same day.

The remaining items are minor items. They are all contained in the Sampradhaya Paddatti book of the mutt.

(4 A 2) Which has been held to be genuine. The office in question includes also the office of "purohitya" and one of the plaintiffs' ancestors was also known as purohita Kristnachar. I am of opinion that the plaintiffs are entitled to all these items.

The next question for decision is whether the suit is barred by limitation. I am of opinion in the negative. The suit is to recover possession of a hereditary office with its emoluments and as such it is governed by article 124 and not by article 113 as if it were a suit to enforce the specific performance of a contract or to recover damages for its breach. The suit is not based upon any contract either express or unplied nor can I hold that there is any contractual relationships between the plaintiffs and the defendant or their predecessors. The office seemed to be as old as the mutt itself and probably came into existence along with the mutt. The defendant and his predecessors have treated it as hereditary and it has descended from father to son in the plaintiffs' family and its duties have been performed by one or more of the plaintiffs and

their ancestors by turns according to their convenience without any objection on the part of the defendant and his predecessors. The office is designated as a Hakdaree office in the several public and private documents above discussed and I cannot at all hold that a suit brought to recover possession of such an office with its emoluments is a suit to enforce the specific performance of a contract of service as if the defendant were the master and the plaintiffs his servants. If all such suits be treated as suits to enforce specific performance of contract on the supposition that such offices could not have come into existence without some understanding between the parties concerned article 124 of the Limitation Act would become superfluous. Mr. Parthasaradyiengar further contended that the said article was applicable only to suits brought against the person actually holding the office and not against the person who dismissed the plaintiffs. The language of the article does not warrant any such restrictive interpretation. It is quite general aad wide enough to include all suits for the recovery of hereditary offices with their emoluments either against the person or persons who actually hold the office or against those who dismissed the plaintiffs from it or against both according to circumstances. The complaint is against the person who dismissed and not against him who holds the office under his orders. There is ample reliable evidence in the case to prove that the 1st and 2nd plaintiffs held the office till they received exhibit (j) from the defendant. It is dated 2nd August 1885 and was served on them by a temporary agent or messenger of the defendant. I am satisfied that it is genuine The evidence of the person who served or delivered it is unnecessary. The defendant did not go into the witness box and deny it nor did he produce the records and registers of the mutt to show that it did not emanate from him. Besides it contains evidence of its own genuineness. The serial number given to it is 31 while the number given to the shagbogue's notice of dismissal which purports to have been issued on the previous day and which was held to be genuine in the suit of 1888 is (30). Exhibits (Y and Z) which are agnaputras of the mutt addressed to its disciples and admitted by the defendant's agent shows that plaintiff Ramachar was holding the office and performing its duties in the year Tarana. After the ambary case was before the Magistrate, the defendant dismissed such of the mutt servants as belonged to Holenarasipur and gave them notices of dismissal in writing. All these notices were issued in August 1885 and as this suit is filed within 12 years from that date, I hold that it is not barred. For several months after they received the notice, the plaintiffs waited upon the defendant's predecessor and subsequently upon the defendant and asked them to reconsider their case and reinstate them in the office. Mr. Anandarao also interceded on their behalf and the defendant promised to settle their

case as soon as he came to this country, but he never did so. At last they gave him notice of their intention to file a suit and as this also did not meet with a favorable response they filed the present suit.

The documentary evidence on the defnndant's side consists of (30) exhibits most of which are letters and "Agnaputras" issued from the mutt to its disciples in different parts of the country informing them of the dismissal of the plaintiffs and other servants of the mutt, particularly the shanbogues, for misconduct, wilful disobediences and fabrication of the mutt accounts. Most of these documents were produced in O.S. 50 by the defendant's witnesses examined on commission and were exhibited in this case at his request. The atmost that they can be said to prove, if genuine, is that the mutt servants but chiefly the shanbogues were being dismissed from time to time by the defendant's predecessors for real or supposed misconduct and disobedience. The witnesses that produced them were not present when they were written nor do they know in whose time or under what circumstances they came into existence. In fact they have no personal knowledge of the documents and the facts on which they purport to be based. Mere production is not sufficient proof of their genuineness. They do not bear any numbers as some of the documents produced on plaintiffs' side, and if they were really issued from the mutt the defendant could have proved the fact from the correspondence registers of the mutt, the existence of which is admitted by some of his own witnesses. These documents can be arranged chronologically as follows :—

Eswara (1 and 7.)

Bahoodania (11, 13, 15, 18, 20 and 23.)

Vishoo (8 and 12.)

Sarvadharee (9.)

Vejaya (3, 5, 6, 10, 17, 21, 22, 25 and 26.)

Doormathe (4.)

Roodiroodgaree (14, 16, 19, 24 and 27). 23, 29 and 30 Agnapatras produced in 760 of 1888.

(2). List of offices in the mutt produced in the Shemoga Munsiff's court by Kalaparada Moorthiachar.

Exhibit D was produced in the said court by Rajachar. It is an order purporting to have been issued on the 2nd Palagunasoodha of the year Eswara under the authority of the mutt by Sathayabodharaya appointing the father and uncle of the witness

to the office of "Eleparpathia" and fixing their pay at 10 fanams a month. Sathyabodharaya was the son of Sathyadharmaswamy. The words used in the "Sernama" or top of the document are "ಶ್ರೀಮದ್ಮೂಲನರಸಿಂಹ್ಮ ವಿಜಯತೆ" Moodgala Narasima was the son of Sathyasunkulpaswamy who succeeded Sathyadharmaswamy in the year Vekruthi. How his name appears in the Sernama of a document issued before his time, has not been explained. The witness that produced the document has no personal knowledge of it, nor does he know whether his father and uncle held the office and performed its duties according to it.

Exhibit 7 is a similar document referring to the dismissal of the shanbogues produced by Ramadhyanee Bheemarow. It should have been produced in the suit of 1888 of the documents belonging to the year Bahoodhania (11 and 13) were produced by Bheemachar 15 and 18 by Narasimachar 20 by Kallapurada Mouathiachar and (23) by Hanigal Thamanachar exhibit (11) is an agnapatra of the mutt to its desciples in Hanigal informing them of the dismissal of the mutt servants. The Salivahanasaka given in it is wrong and as it refers chiefly to the office of shanbogue it should have been produced in the suit of 1888.

Exhibit 13 is the same as exhibit (I and 7).

Exhibit 15 is similar to exhibit 11 and addressed to the disciples in Honnalli. The saka given in it is wrong and it should have also been produced in the above case.

Exhibit 18 is similar to exhibit I. The remarks applicable to the one also applicable to the other. According to these documents the mutt servants should have been dismissed thrice. Once in the year Eswara and once in the year Bahoodhania or the same dismissal should have been communicated at different times. Exhibit 20 is similar to exhibit 11 and exhibit 23 is similar to exhibit I. There are only two documents relating to the year Vishoo, of them Exhibit 8 was produced by Ramadhiany Bheemarow and exhibit 12 by Beemachar. The 1st relates to the office of shanbogue and should have been produced in the previous case while the 2nd has no manner of bearing on the case. Exhibit 9 also has no bearing. It purports to have been written by shanbogue Subanachar an ancestor of the plaintiffs in the shanbogue case to Ramadhiani Kristnarow and should have beeen produced in that case.

The next batch of documents belongs to the year Vijaya. They are 9 in number and purport to have been issued in the time of Sathiasankalpaswamy. Exhibits 5 and 25 do not refer to this office. The other documents refer to it and the other offices in the mutt but chiefly to the offices of shanbogue and should have

therefore been produced in the suit of 1888. In the year " Jaya" the swamy executed a Vyavastha patra (exhibit C) to the servants of the mutt binding himself not to act contrary to the established usages and Sampradayas of the mutt and acknowleding their authority to interfere with his actions whenever they are perejudicial to the interests of the mutt. It is therefore highly improbable that he would have dismissed such servants again in the following year nor would they have easily submitted to such an order without representing the matter again to the chief disciples of the mutt.

The remaining documents belong to the year Ruderodgari. Sathya Parayana Swamy was the swamy then. He was succeeded by Sathya Kamaswamy in Asweeja of the the year Ruderodgari. All of them refer to the dismissal of the mutt servants but were not produced in the suit of 1888.

Exhibits 28, 29 and 30 are Agnapatras informing the disciples of the mutt of the dismissal of the shanbogues from their office. The last two relate to the year Bahoodhanya and the 1st to the year Parthiva when the plaintiffs also were dismissed. They bear numbers unlike some of the other exhibits above referred to.

The fact that the mutt servants were dismissed from time to time does not show that the offices held by them were not hereditary or that emoluments were not attached to them. It is not denied that they were restored again on their own representation or at the interception of others interested in them. There is therefore some reason to suppose that their offices were hereditary and that the swamies did not consider themselves quite justified in removing them altogether.

The plaintiffs tried their best to secure the evidence of the defendant. A commission was also issued on their application for his examination to different places, but his movements were so rapid and sudden, that they were not able to catch him with in the jurisdiction of any of the several Courts to which Commissions were issued. It was his interest to have given evidence in the case and at least denied the several allegations made against him on oath. He did not care to do so and the little evidence offered by him in support of his pleas is for the reasons already stated utterly unsatisfactory and incredible.

I have no doubt whatever that there are accounts and other records in the mutt. His own witnesses Bheemasenachar, Venkannachar and some others swear that there are cash accounts as well as correspondence registers and that some of them were produced in a suit in Sholapoor of the Bombay Precidency. It is impossible to believe that an institution which

exercises spiritual control over one important section of the Bramin community all over India and enjoys so many lands and villages in different parts of the country, could have got on so well and for so many years without keeping accounts and correspondence registers. All the records of the mutt could not have been destroyed by fire in the year Eeva, and granting that they were, where are the records of subsequent years? Why are they not produced? The abvious answer is that they are hostile and would throw the defendant completely overboard if produced.

The defendant further contents that inasmuch as the office is said to be recognized by Government, no suit in respect of it is cognizable in the Civil Courts. The contention is fallacious and no law either statutory or Judge made has been adduced in support of it. The office was not created by Government nor can it be abolished by it. Government had nothing to do with it and the duties appertaining to it are purely religious and belong to a sacerdotal institution. The office was recognized by the late Maharaja but this fact does not disqualify Civil Courts from entertaining suits regarding it. The plaintiff's claim no relief from the Government nor is the Government responsible for their dismissal and the consequent loss of emoluments.

It is further urged that the founder of the office and his successors were not competent to make it hereditary so as to bind the defendant and his predecessor without regard to the interests of the mutt. It is true that in the shape of emoluments attached to the office the revenues of the mutt are slightly affected but this circumstance cannot be used against the plaintiffs. Probably the founder of the office; if there was one at all, found it necessary to impart a hereditary character to it in the interests of the mutt.

Equally unwarranted is the other contention of the defendant that the plaintiffs are not entitled to the emoluments for any period preceding their notice to him. It has been held that in suits to recover possession of hereditary offices if the right to the office be declared, courts are competent to award a decree for 12 years' emoluments. The plaintiffs however claim only two years emoluments and I am clearly of opinion that they are entitled to them.

The percentage of rupees 2½ or Varthane is claimed on the gross income of the mutt which is put down at rupees 45,000 a year. There is nothing on the defendant's side to prove that it is excessive. It was more in the year Sreerankha as shown in (4 A. L.) produced in the suit of 1888 and exhibited in this case. The defendant has not proved that it was less in subsequent years or that the plaintiffs

are not entitled to take that document as the basis of their calculation.

There are some more documents produced on the plaintiff's side which I have omitted to consider chiefly because they have no bearing on the case except in so far as they prove that the family of the plaintiffs is respectable and that it was always known and recognized as the "Parpathya" family. I have no doubt that all these documents are genuine. There is ample evidence to prove them. Most of them are Niroops and orders of the late Maharaja. Some are Sreemukhar of other mutts addressed to the plaintiffs' ancestors. One of the plaintiffs' ancestors named Kristachar who appears in some of these documents under 6 different names was a great scholar, much respected and honored by the late Maharaja and others.

I am further of opinion that the several documents produced for comparison are equally genuine.

Accordingly I find on the 1st issue that the plaintiffs' suit either to the office or the moluments is not barred by Limitation ; on the second issue that the office is hereditary and that it was held and enjoyed by the plaintiffs' ancestors from generation to generation. On the 3rd issue that the plaintiffs were dismissed from the offices in August 1885. On the 4th that the items relating to the income of the mutt as mentioned in the plaint are correct, on the 5th that the plaintiffs are entitled to the office and the emoluments claimed and on the 6th and last issue that they are also entitled to the emoluments for the period preceding the date of their notice to the defendant.

There will be a decree in favor of the plaintiffs declaring their right to the office in question and directing the defendants to deliver it to their possession with the emoluments claimed and the costs of the suit.

(Signed) M. Ramaswamy Iyer,
Sub-Judge.

The list of exhibits filed by the parties in this suit.

By plaintiffs.

A. Vyavasta patra dated 15th M. I, of Margeesara of the year Uva executed by Sathyadharmaswamy to Shamachar and others.

B. Niroopa dated 12th M. D. of Palguna of the year

Vyaya given to shanbogue Shamachar by His Highness the late Maharaja of Mysore.

C. Vyavastha Patra dated 10th M. I. of Magha of the year Jaya executed by Sathyasankalpaswamy to Soobbaroya and others.

D. Mokthyarnama dated June 1879 executed to Ramagiri Shamachar by Sangeeva Annayachar and several others.

E. Petition dated 29th November 1878 addressed to His Excellency Sir Salar Jung by P. N. Kristnamoorthyrow and several others.

F. Power of attorney dated 14th February 1879 executed to Lukshmeekantachar by Ramarow and others.

G. Copy of petition addressed to the Deputy Commissioner of Hassan by Venketramiah and several others inhabitants of Holaynarsipur.

H. Sreemukha dated 15th M. I. of Kartheeka of the year Virodhi from the then swamy of the Sringeri mutt to 3rd plaintiff's grand father Kristnachar.

J. Notice dated 6th M. D. of Ashadha of the year Parthiva corresponding with 2nd August 1885 given to Annayachar by the mutt.

K. Notice dated 5th M. D. of Ashadha of the year Parthiva given by the mutt to Shamachar.

L. Account patty dated 1st M. I. of Chaitra of the year Vikrama given by Sathya Veeraswamy to shanbogue Shamachar.

M. Agna Patra dated 10th M. I of Pushya of the year Vikrama issued from the mutt to Permaswara mitthadar Appagishetty.

N. Account patty dated 5th M.I. of Margeesara of the year Chitrabhanu given by the present swamy to Babannachar.

O. Agnapatra issued to Vengali Rajachar from the mutt.

P. Deposition of Parushothamachar in O. S. No. 760 of 1888 on the file of this court.

Q. Account patty dated 10th M. I. of Jaista of the year Vyaya given to Kristnachar by the mutt.

R. Do Do given to Babannachar by the mutt.

S. Agnapatra dated 15th M. I. of Ashadha Vrisha issued to Vasudevachar from the mutt.

T. Agnapatra dated 15th M. I. of Ashadha of the year Vrisha issued to Venketramanachar from the mutt.

U. Agnapatra dated 13th M. I. of Palguna of the year Promadi issued to Gururayachar from the mutt.

V. Agnapatra dated 15th M. I. of Ashada of the year Vrisha issued to Venketramanachar from the mutt.

W. Agnapatra dated 10th M. D of Vyshakha of the year Chitrabhanu issued to Soobbannachar from the mutt.

X. Account patty dated 14th M. I of Kartheeka of the year Swabhanu given to Shamachar by the mutt.

Y. Agnapatra dated 14th M. D. of Pushya of the year Tharana issued to the disciples of the mutt in Bhagya Nagar from the mutt.

Z. Agnapatra dated 14th day of Pushya of the year Tharana to the disciples of Bagalkote from the mutt.

AA. Letter to Shamachar by the defendant in Poorvasrama dated 5th M. I. of Sravana.

AB. Mahazir addressed te H. H. the Nizam by the disciples of the Mutt dated 12th M. D. of Ashadha of the year Angeerasa.

AC. Deposition of Purushothamachar in O S. 760 of 1888 on the file of this court.

AD. Agnapatra dated 1st M. I of Ashadha of the year Swabhanoo issued to Sreenivasachar and Pillar Narayanachar from the mutt.

AE. Agnapatra dated 7th M. I. of Nijashravana of the year Chitrabhanu issued to Kavery Patnada Kristnachar from the mutt.

AF. Agnapatra dated 5th M. D. of Nijashravana of year Chitrabhanu issued to Doorga Sreenivasachar and Pillar Narayanachar from the mutt.

AG. Agnapatra dated 10th M.I. of Pushya of the year Vikrama issued to Ponnesswaram Mittiadar Appajishetty from the mutt.

AH. Agnapatras consisting of 14 papers issued to defendant's agent Purushothamachar on different occasions from the mutt.

AJ. Notice dated 5th M. I. of Shravana of the year Parthiva issued to Sangaly Soobbannachar from the mutt.

AK. Agnapatra dated 7th M. D. of Kartheeka of Vikrama issued to Sangalay Soobbannachar from the mutt.

AL. Agnapatra dated 6th M. D. of Chitra of the year Tharana issued to Navaratna Sathyadhirajachar from the mutt.

AM. Power of attorney dated 29th June 1880 executed to Poorooshothamachar by Sathya Veeraswamy.

AN. Sreemukha dated 10th M. D. of Bhadrapada of the year Vilamby issued to Parpathegar Kristnachar by Sugnanendra Thirtha Sreepadangalavaru.

AO. Do Do dated 1st M.I. of Chytra of Sharvary.

AP. Niroop dated 2nd M.I. of Vyshakha of the year Shobhakruthoo issued to Vishnupadachar by Sreemudvidya Poorna Thirtha Sripandangalavaru.

AQ. Niroop dated 10th M.I. of Bhadrapada of the year Vyaya issued to Shamachar by His Highness the late Maharaja Kristna Raja Vadeyar.

AR. Niroop dated 5th M.I. of Asweeja of the year Vikriti issued to shanbogue Soobbannachar by H. H. the late Maharaja Kristnaraja Vadeyar.

AS. Niroop dated 5th M. D. of Margasira of the Yuva issued to Amildar Shamiah by H. H. the late Maharaja Kristnaraja Vadeyar.

AT. Niroop dated 5th M. I. of Asweeja of the year Vikrithy issued to Amildar Appajiah by H. H. the late Maharaja Kristnaraja Vadeyar.

AU. Niroop dated 12th M. D. of Adhika Ashada of the year Rakshasa issued to Havery Venkata Madhvachar by His Highness the late Maharaja Kristnaraja Vadeyar.

AV. Petition dated 10th M. D. of Jayshta of the year Rakthaskhi addressed to H. H. the late Maharaja Kristnaraja Vadeyar by Pachapurada Madhvarayachar.

AW. Niroop dated 4th M. I of Pooshya of the year Chittrabhanu issued to Kavarypatnada Achar Appachar by H. H. the late Maharaja Kristnaraja Vadeyar.

AX. Niroop dated 6th M. D. of Shravana of the year Vikrama issued to Amildars and Killidars by H. H. the late Maharaja Kristnaraja Vadeyar.

AY. Niroop dated 12th M. D. of Pushya of the year Vikruthy issued to Kristnachar by H. H. the late Maharaja Kristnaraja Vadeyar.

AZ. Niroop dated 15th M. I. of Bhadrapada of the year Pramady issued to the Amildars and Killidars by H. H. the late Maharaja Kristnaraja Vadeyar.

AAA. Parvanay written by Poornia to Hiranyayah Amildar of Hole Narasipur dated 3rd M. I. of Jayshta of of the year Prabhava.

AAB. Paravanay dated 2nd M. D. of Vysaka of the year Durmthy written to Lingegowda, Amildar by Poorniah.

AAC. Paravanay written to Amildar Heiranyayah by Poorniah dated 10th M. D. of Vyshakha of the year Prabhava.

AAD. Niroop dated 12th M. D of Chythra of the year Durmathy written by Poornia to Lingegowda Amildar of Narasipur.

AAE. Agnapathra dated 5th M. D. of Chythra of the year Tharnna issued to Madhvachar from the mutt.

AAF. Agnapathra dated 5th M. I. of Jaysta of the year Tharana issued to Gundachar from the mutt.

AAG. Agnapathra dated 5th M. I. of Jayshta of the year Tharana issued to Venkennachar from the mutt.

AAH. Agnapathra dated 5th M. I. of Jayshta of the year Tharana issued to Narayanachar from the mutt.

AAJ. Niroop dated 12th M. D. of Chythra of the year Vikruthi issued to the Mahajanas of Lakshmipura.

AAK. Agnapathra dated 5th M. I. of Chythra of the year Vilamby issued to Balachar from the mutt.

AAL. Agnapathra dated 12th M. I. of Kartheeka of the year Sharvary issued to Vishnupadachar from the mutt.

AAM. Agnapathra dated 15th M. I. of Chythra of the year Shubhakruthee issued to Ramachar from the mutt.

AAN. Agnapathra dated 5th M. D. of Jayshta of the year Shubhakruthee issued to Balachar and Vishnupadachar from the mutt.

AAO. Niroop dated 11th M. D. of Chythra of the year Pareedhary issued to Mahajanas of Lukshmipura from the mutt.

AAP. Letter dated 12th M. I. of Ashveeja of the year Kalayukthy written by Navarathna Satbyabodha Rayachar to Pillar Venkatapathyachar under the orders of the then swamy.

AAQ. Do do dated 12th M. I. of Ashweeja of the year Kalayukthy.

AAR. Do do dated 5th M. D. of Pushya of the year Pingala.

AAS. Letter dated 15th M. I of Magha of the year Rakthakshy written to Rangachar by Navarathna Sathyabodha Rayachar under the orders of the then swamy.

AAT. Niroop dated 12th M. D. of Vyshakha of the year Sowmya issued to Vishnupadachar by Sathyaparayana swamy.

AAU. Account putty dated 6th M. I. of Shravana of the year Rakthashy given to Swamy Rayachar by the then swamy.

AAV. Account putty dated 8th M. I. of Chytra of the year Dundubby given to Swamy Rayachar by the then swamy.

AAW. Receipt dated 5th M. D of Bhadrapada of the year Sharvary executed to Swamy Rayachar by Sathya sankalpaswamy.

AAX. Agnapatra dated 7th M. I. of the year Krodhy issued to Pillar Swamy Rayachar from the mutt.

AAY. Account patty dated 10th M. I of Chythra of the year Krodhy given to Swamy Rayachar by the then Swamy.

AAZ. Do Do Do Do.

AAAA. Deed gift dated 12th M. I of Adhika Vyshakha of the year Pramady executed to Parupathyachar by Sathya Sankalpaswamy.

AAAB. Niroop dated 5th M. I of Asweeja of the year Krodhy issued to the Mahajanas of Sreerangapatam by Sathya Sandha Swamy.

AAAC. Varashachana deed of gift dated 2nd M. D of Shravana of the year Pingala executed to Thiroopathy Krishnachar by Sathya Dharmaswamy.

AAAD. Vyavastapatra dated 5th M. I of Shravana of the year Piagala executed to Sanbogue Shamamachar and other servants of the mutt by Sathyaveeraswamy.

AAAE. Varashachana deed of gift dated 5th M. D. of Pushaya of the year Pengala executed to Venkatapathyachar by Sathyadharmaswamy.

AAAF. Letter dated 1st M. I. of Palguna of the year Chithrabhanu written to Narasappachar by Moodgala under the orders of the then swamy.

AAAG. Agnapathra dated 10th M. D. of Ashweeja of the year Rudhirodgary issued to Vishnupadachar from the mutt.

AAAH. Agnapathra dated 5th M. D. of Bhadrapada of the year Viswavasoo issued to Swamyrayachar from the mutt.

AAAJ. Letter dated 8th M. D. of Ashweeja of the year Pingala written to Swamyrayachar by Havayryvenkatamoothwachar under the orders of the then swamy.

AAAK. Agnapathra dated 15th M. I. of Margisira of the year Eswara issued to Krishnachar from the mutt

AAAL. Registered bond dated 28th January 1878 executed to Krishnachar by Sreenivachar and Shamachar.

AAAM. Agnapathra dated 13th M. D. of Pushaya of the year Tharana issued to shanbogue Shamachar from the mutt.

AAAN. Agnapathra dated 7th M. I. of of Magha of the year Swabhanoo issued to Narasimachar from the mutt.

AAAO. Postal receipt for registered letter suit to the swamy.

AAAP. Authenticated copy of Arjy dated 22nd January 1845 addressed to Astagram Division Hoozoor by the Amildar of Arakalgood Talook.

AAAQ. Power of attorney dated 15th January 1855 executed to Shetshringy Venkobachar by Gooroorayachar.

AAAR. Varooshasana deed of gift executed to Venkatapathyachar by Sathya Dharmaswamy dated 2nd M. D of Shravana of the year Prabhava.

AAAS. Niroop dated 15th M. I. of Pushya of the year ——issued to Keshavachar by Gunanidhyswamy of the Mulbagal mutt.

AAAT. Varshachana deed of gift dated 15th M. I. of Pushya of the year Doondoobhy executed to Achar Appachar by Gunanidhyswamy of the Mulbagal mutt.

AAAU. Karar executed to plaintiffs' ancestors by one of their cousins.

AAAV. Deposition of Bheemasenachar dafendant's 19th witness in O. S. No. 760 of 1888 on the file of this Court.

AAAW. Money bond executed by defendant's 5th witnees Poornachar to Samachar.

AAAX. Samakhya Patra dated 6th M. I. of Ashadha of the year Vijaya addressed to the mutt by shanbogue Subba and other servants of the mutt.

AAAY. Samakhya Patra dated 10th M. D. of Pooshya of the year Shukla addressed to the mutt by Karnessi Bodharaya and other servants of the mutt.

AAAZ. Sample signature of Poornachar in this case.

AAAAA. Deposition of Madananthachar in O. S. No 760 of 1888 on the file of this court.

AAAAB. AAAAC. AAAAD. Account patties executed to Lowkeekaparupathya Sangaly Krishnachar.

AAAAE. Letter dated 8th M. I. of Bhadrapada of the year Swabhanoo written to Babannachar by Bheemasenachar.

AAAAF. Letter dated 13th M. D. of Magha of the year Tharana written to Samachar by Bheemasenachar.

AAAAG. Vignapana patrika (notice) dated 4th M. D. of Vyshakha of the year Khara addressed to the then swamy by Ramachar and three others.

AAAAH. Letter dated 3rd M. D. of Jayshta of the year 1870, written to Vedavyasachar by Vengalu Rayachar.

AAAAG. Niroop dated 10th M. D. of Margasira of the year Swabhanoo issued to Krishnachar by H. H. the late Maharaja Krishnaraj Vadeyar.

AAAAK. Niroop of His Highness the late Maharaja Krishnaraja Vadeyar to 3rd plaintiff's grand father Thiroopathy Krishnachar.

AAAAL. Niroop dated 10th M. I. of Bhadrapada of the year Swabhanoo issued to Krishnachar by His Highness the late Maharaja Krishnaraja Vadeyar.

AAAAM. Niroop dated 9th M. I. of Shravana of the year Heyvilamby issued to Krishnachar by H. H. the late Maharaja Krishnaraja Vadeyar.

AAAAN. Niroop dated 5th M. I. of Margasira of the year Parthiva issued to the Amildars and Killedars by His Highness the late Maharaja Krishnaraja Vadeyar.

AAAAO. AAAAP. Niroops issued to Krishnachar by His Highness the late Maharaja Krishnaraja Vadeyar.

AAAAQ. Niroop dated 7th M. D of Asweeja of the year Parthiva issued to Krishnachar by H. H. the late Maharaja Krishnaraja Vadeyar.

AAAAR. Agnapatra dated 10th M. I of the year Chitrabhanu issued to Appajishetty from the mutt.

AAAAS. Judgment in O. S. No. 760 of 1888 on the file of this Court.

AAAAT. Judgment in A. S. No. 231 of 1890 on the file of the Chief Court.

AAAAU, AAAAV, AAAAW. Account patties produced by Samachar.

AAAAX. Deposition of Kinnahal Lukshmi Kanthachar, plaintiffs' 27th witness in O. S. No. 760 of 1888 on the file of this Court.

AAAAY. Sampradayapadhathy book.

AAAAZ. Statement showing the income and expenditure of the mutt.

By defendant.

I. Letter dated 2nd M. I. of Palguna of the year Eeswara written to Ramachar by Navarathna Sathya Bodharayachar under the orders of the then swamy.

II. List of offices of the mutt from the beginning.

III. Agnapathra dated 14th M. D. of Shravana of the Vijaya issued to Swamyrayachar from the mutt.

IV. Agnapathra dated 5th M. I. of Magha of the year Durmukhy issued to Swamyrayachar from the mutt.

V. Agnapathra dated 7th M. I. of Bhadrapada of the year Vyaya issued to Narasimachar from the mutt.

VI. Niroop dated 5th M. I. of Shravana of the year Vijaya issued to Sathya Bodharayachar from the mutt.

VII. Letter dated 6th M. I. of Magha of the year Eeswara written to Rama Dhyany Vasudeva Kristnachar by Sathya Bodha Royachar under the orders of the then Swamy.

VIII. Letter dated 15th M. I. of Jaysta of the year Vishu written to Rama Dhyany Kristna and Vasudeva by Sathya Bodha Rayachar under the orders of the then Swamy.

IX. Letter written to Rama Dhyany Kristnarao by shanbogue Subbanna dated 2nd M. I. of Phalguna of the year Sarvadhary.

X. Agnapatra dated 5th M. I. of Adhika Bhadrapada of the year Vijaya issued to Subbannachar from the mutt.

XI. Agnapatra dated 3rd M. D. of Bhadrapada of the year Bahudanya issued to the mahajanas of Honagal by Sathya Parakrama swamy.

XII. Agnapathra dated 6th M. D. of Ashweeja of the year Vishu issued to Gooroorayachar from the mutt.

XIII. Letter dated 7th M. I. of Jayshta of the year Bahudhanya written to Swamyrayachar by Sathyabodherayachar under the orders of the then swamy.

XIV. Agnapathra dated 6th M. I. of Bhadrapada of the year Rudirodgary issued to Bheemachar from the mutt.

XV. Agnapathra dated 3rd M. D. of Bhadrapada of the year Bahudhanya issued to Mahajanas of Honaly by Sathyaparakramaswamy.

XVI. Agnapathra dated 4th M. I. of Bhadrapada of the year Ruderodgary issued to Venkataramachar from the mutt.

XVII. Agnapathra dated 4th M. I. of Adhika Bhadrapada of the year Vijaya issued to Venkataramanachar from the mutt.

XVIII. Letter dated 6th M. I. of Pushya of the year Bahudhanya written to Venkataramanachar by Sathyabodharayachar.

XIX. Agnapathra dated 5th M. I. of Bhadrapada of the year Roodirodgary issued to Sathyasandhachar from the mutt.

XX. Agnapathra dated 6th M. D of Bhadrapada of the year Bahudhanya issued to Soobarayachar from the mutt.

XXI. Agnapathra dated 2nd M. I. of Adhika Bhadrapada of the year Vijaya issued to Bheemachar from the mutt.

XXII. Agnapathra dated 2nd M. I. of Adhika Bhadrapada of the year Vijaya issued to Bheema Varahachar from the mutt.

XXIII. Letter dated 4th M. I. of Vyshaka of the year Bahudhanya written to Sannappachar by Sathyabodharayachar.

XXIV. Agnapathra dated 2nd M. D. of Bhadrapada of the year Rudhirodgary issued to Thammannachar from the mutt.

XXV. Agnapathra dated 10th M. I. of Adika Bhadrapada of the year Vijaya issued to Thammannachar from the mutt.

XXVI. Agnapathra dated 14th M. I. of Adhika Bhadrapada of the year Vijaya issued to Narasappanaik from the mutt.

XXVII. Agnapathra dated 2nd M. O. of Bhadrapada of the year Rudirodgary issued to Chennakesavachar from the mutt.

XXVIII. Agnapathra dated 5th M. I. of Shravana of the year Parthiva issued to Ramakrishnappa from the mutt.

XXIX. Agnapathra dated 10th M. D. of Bhadrapada of the year Bahudhanya issued to Shamachar from the mutt.

XXX. Niroop dated 30th M. D. of Bhadrapada of the year Bahudhanya issued to patail and shanbogue of Koothampaka from the mutt.

(Signed) M. Ramaswamy Iyer,
Sub-Judge.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

This 9th day of July 1894

Original Suit No. 48 of 1891.

Plaintiffs	vs.	Defendant
1. Annajee Achar. 2. Ramachar. 3. Kristnamoorthi Achar. 4. Sreenivasamoorthi Achar, 5. Vasadevamoorthi Achar. 6. Vedavyasachar. 7. Beemachar minor by guardian Vedavyasachar 8. Parapathya Babannachar. 9. Parpathya Sathya Vijayachar. All residing at Hole Narasipur.		The Ootharady mutt, His Holiness the Swamy of the said mutt for the time being known as Sreesatya Dheera Theertha Sree Pandangalavaru.

Claim for a decree declaring that the plaintiffs are the hereditary Vydeeka Parpatheagars of the Ootharady mutt and to direct the defendant to appoint the plaintiffs or any one of them as Vydeeka Parpathegars and also to pay to plaintiffs the sum of rupees 4233—3—4 being the emoluments due to them with court costs.

DECREE.

On the passing of judgment in this suit in the presence of Mr. M. C. Ranga Iyengar, advocate for the

plaintiffs and Messrs M. O. Parthasarathy Iyengar and H. Narasingarow, advocates for the defendant.

It is ordered and decreed that the right of the plaintiffs to the hereditary Vydeeka Parpathaygars of the Ootharady mutt be and the same is hereby declared and that the defendant do appoint the plaintiffs or any one of them as Vydeekaparpathegars of the said mutt and also do pay to plaintiffs the sum of rupees 4,233-3-4 being the amount of emoluments with court costs.

And it is further ordered and decreed that the defendant do pay to the plaintiffs the sum of rupees 716-9-6 being the amount of costs incurred in this suit, as by memorandum annexed.

(Signed) M, Ramaswamy Iyer.
Sub-Judge.

AMENDED DECREE.

IN THE COURT OF THE SUB-JUDGE AT MYSORE,

This 9th day of July 1894.

Original Suit No. 48 of 1891.

Plaintiffs	vs.	Defendant.
1 Annajeeachar. 2 Ramachar. 3 Kristnamoorthyachar. 4 Sreenivasamoorthyachar. 5 Vasadevamoorthiachar. 6 Vedavyasachar. 7 Bheemachar, minor by guardian Vedavyasachar. 8 Parpathya Bhavanachar. 9 Parpathya Sathya Vijayachar. All residing at Holenarasipur.		The Ootharady mutt, His Holiness the Swamy of the said mutt for the time being known as Sree Sathya Dheera Theertha Sree Padadangalavaroo.

Suit for a decree to declare that the plaintiffs are the hereditary Vydeekaparpathygars of the Ootharady mutt, to direct the defendant to appoint the plaintiffs or any one of them as Vydeekaparpathygar of the said mutt and also to pay to plaintiffs the sum of rupees 4,223—3—4 being the emoluments due to them with court cost.

DECREE.

Amended decree 9.7.94

On the passing of judgment in this suit in the presence of Mr. M. C. Rangaiyengar advocate for the plaintiffs and Messrs M. C. Parthasarathy Iyengar and H. Narasingarow, advocates for the defendant, it is ordered and decreed that the Office of Vydeekaparpathegar of the Ootharady mutt be declared hereditary to all the plaintiffs and that all the plaintiffs be declared entitled to the said office, that the defendant do put the plaintiffs or any one of them in possession of the said office and do pay to them or him rupees 4,233—3—4 being the emoluments of the said office together with the costs of the suit.

And it is further ordered and decreed that the defendant do pay to the plaintiffs the sum of rupees 716—9— being the amount of costs incurred in this suit.

MEMORANDUM OF APPEAL.

In the Court of the Sub-Judge of Mysore.

Original Suit No. 48 of 1891.

In the Chief Court of Mysore.

Appeal No. 82 of 1894-95.

	In the Court of 1st Instance.	In the Chief Court of Mysore.
The Ootharadee Mutt, His Holiness the Sawmy of the said Mutt for the time being known as Sree Sathya Dheera Theertha Sreepadangalavaroo.	Deft.	Appellant.
vs.		
1. Annajiachar. 2. Ramachar 3. Krishamoortyachar 4. Sreenivasamoortyachar 5. Vasudevamoortyachar 6. Vadavyasachar 7. Bheemachar, minor by guardian Vedavyasachar 8. Parapathya Babannachar 9. Parapathya Sathya Vijayachar. All residing at Hole Narsipur	Plffs (Respondents).	

The appellant above named begs to appeal to this Ho-

norable court against the decree of the Subordinate Judge of Mysore in O. S. No. 48 of 1891 for the following reasons, viz.

(1). The decree is against the weight of evidence and probabilities of the case.

(2). The suit as framed is not maintainable.

(3). The plaint not having stated which of the plaintiffs was entitled to the office in question should have been rejected.

(4). The suit having been instituted jointly while one only was according to the plaintiff's case entitled to be appoint should have been dismissed as not maintainable.

(5). The suit is barred by limitation.

(6). The court below was in error in supposing that article 124 of the Limitation Act applied to the suit inasmuch as the suit cannot be deemed to be one for possession of an hereditary office.

(7). The frame of the suit as against the mutt is bad and it does not appear from the plaint against whom the relief ssought for are claimed.

(8). If the offices should be deemed to have been created by the government the plaintiffs cannot seek their remedy in Civil Court.

(9). It has not been shown that the plaintiffs or any of them have any hereditary right to the office in question.

(10). The plaintiffs have not shown how they acquired the hereditary right they set up.

(11). Neither the founder of the mutt nor any of his successors had any right to make the office hereditary.

(12). The custom, if any, alleged by the plaintiffs is not reasonable. It is vague and indefinite and is opposed to public policy and to the principles of Hindu Law.

(13). The nature of the office in question shows that it cannot be hereditary.

(14). Undue effect was given by the court below to the evidence, oral and documentary adduced by the plaintiffs while court below failed to give due effect to the defendant's evidence.

(15). The documents produced by the plaintiffs have not been duly proved nor have they come from proper custody.

(16). The Sampradaya book as also several other documents relied on by the plaintiffs are not genuine.

(17). The court below should have held that no emoluments attached to the office and the emoluments claimed are excessive and have not been proved.

(18). It should also have been held that the plaintiffs are not entitled to any emoluments previous to the date of their notice to the defendant.

(19). The claim for 2½ per cent of the gross income from villages &c., has not been proved, and is unreasonable.

(20). The plaintiffs have included in the amount claimed items which are merely presents and expenses which they may have to incur only when in office.

(21). The measure of damages adopted by the court below is wrong.

(22). The claim of some of the plaintiffs at least should have been dismissed as all cannot have the right claimed.

(23). The decree is not correctly drawn up.

(24). The court below was wrong in rejecting some of the documents produced by the defendant.

(25). The dismissal of the 1st plaintiff by the defendant's predecessor in office should have been held to be justifiable.

(26). The evidence for the plaintiffs is not reliable and the defence evidence was discredited on insufficient grounds.

(27). A30, A32, A34, and A103 have not been proved.

(28. A39, A41, A38 are not genuine.

(29). X8, Y1, A9, and A, have not been proved and are not genuine and A4 does not establish plaintiffs' case.

(30). A49, A44, A46 and A43 have not been proved and are not genuine.

(31). A66 and the dismissal notice have not been proved and are not genuine.

(32). A62 and A67 have not been proved and are not genuine.

(33). G, F and C have not been proved and are not genuine.

(34). A6 and A56 have not been proved and are not genuine. I and A77 and A79 do not establish the plaintiffs' right.

(35). A85 and A63 have not been proved and are not genuine while A84, A86, A92 and A93 and A94 even if genuine and proved do not establish plaintiffs' case.

(36). A50, A51 and A55 have not been proved and are not genuine.

(37). A18, A20, A107, A108, A109 and A110 have also not been proved nor do they establish that plaintiffs are entitled to any emoluments.

	Rs.	A.	P.
Claim for a decree declaring plaintiffs' hereditary office and for its emoluments	4,233	3	4
Decreed for the same.....	4,233	3	4
The value of this aypeal is therefore the same	4,233	3	4

(Signed) H. Narasingarow.
Advocate for Appellant.

18. That the Swamies have no right whatever to remove the Shanbogues, whose office is hereditary as that of similar servants under the Government, and that the Defendant's predecessor had no manner of reason or right for so removing the Plaintiffs, more especially behind the back of the Plaintiffs and without giving them an opportunity to explain themselves.

19. That on receiving the said notice (Vide para. 16) the 2nd Plaintiff wrote a letter to the Guru, denying the false charges imputed to him and asking His Holiness to permit his joining the appointment.

20. This and several other letters addressed to the Mutt remained un-answered, and several were returned through the Post Office to the 2nd Plaintiff. They are produced herewith.

21. That afterwards finding that His Holiness was stubborn, the 2nd Plaintiff went to Hyderabad and other places and came to Mysore, and engaged an Advocate to urge and explain the Plaintiffs' case to the Swamy.

22. That shortly after the 2nd Plaintiff came to Mysore, he heard of the demise of the late Swamy and the Defendant's succession to the Mutt in November 1886. That although the 2nd Plaintiff went to see the Defendant while in Kadakola in the Dharwar district he was refused audience with him and told to go away. The present Guru is related to the late Guru and is surrounded also by his relations.

23. That in the month of April or May 1887, the Plaintiff's Advocate went to Bankapoor, where the Defendant was then for a day, and explaining the whole matter informed him that in the event of no orders being given, his clients would be compelled to take legal steps in the matter. His Holiness promised to come to the Mysore province within two or three months and settle the matter. This promise remains unfulfilled.

24. That notwithstanding all the Plaintiffs' endeavours to have the matter settled, the Defendant has done nothing, being under the influence of his relations.

25. That by the wrongful and illegal removal of the Plaintiffs, they have suffered considerable damage by the Defendant withholding the emoluments, &c. due to the Plaintiffs as Shanbogues of the Mutt. Hence the Suit.

26. The Plaintiffs pray for a Judgment,

(*a.*) Declaring that the Plaintiffs are the hereditary Shanbogues of the Mutt and are entitled to hold the office as such

(*b.*) Directing the Defendants to reinstate the Plaintiffs in their office as Shanbogue.

(*c.*) To pay Plaintiffs the sum of Rs. 4,779-6-0, being emoluments, &c. due to the said Shanbogues for the past three years as particularized below, being $2\frac{1}{2}$ per cent. of the income of the Mutt.

(*d.*) To pay all the costs of the Suit.

(*e.*) And to grant such other or any relief as the Court may deem fit.

27. The cause of action is the wrongful dismissal of the Plaintiffs and arose on or about August 1885.

28. This Court has Jurisdiction, as the Head-quarters of the Defendant's Mutt is Hole-Narasipore, although the Swamy is continuously on the move, and also because valuable immovable properties of the Mutt, in the proceeds of which the Plaintiffs, as Shanbogues, get their percentage, are situated within the Mysore District. Further, an annual payment of Rs. 6,000, is made to the Mutt from the Taluk Treasury at Hole-Narasipore, of which also $2\frac{1}{2}$ per cent. is due to the P aintiffs. Moreover the Defendant has his permanent dwelling at Hole-Narasipore.

MEMO SHOWING THE ANNUITIES AND PERQUISITES ATTACHED TO THE OFFICE OF SHANBOGUES FOR ONE YEAR :—

(1) Percentage on the gross income and Revenue derived from villages, lands, Matadhikara and on money payments made to the Mutt at $2\frac{1}{2}$ per cent. on about Rs. 45,000—0—0 is Rs. 1,105 0 0

(2) Provisions, Batta amounting to nearly Rs. 504 0 0

(3) Ready cash payable for feeding ponies (grass, &c.) Rs. 67 0 0

(4) Approximate Share of the income derived by the Mutt on account of Mudradharanay (ಮುದ್ರಾಧಾರಣೆ) a year Rs. 100 0 0

(5) Ditto for Padaprakshallaya (ಪಾದ ಪ್ರಕ್ಷಾಳ್ಯ) Rs. 50 0 0

(6) Vartane amounts, &c., for Mahasamaradhana (ಮಹ ಸಮಾರಾಧನೆ) Rs. 46 0 0

(7) Vartane due for Maha Navami Rs. 2 14 0

(8) Ditto for Mahabhisheka Rs. 3 8 0

(9) Amount due to the Shanbogues on total disbursements made to Shudra menial servants called Dustoori Rs. 48 0 0

(10) Pay of the servant allowed to Shanbogue Rs. 60 0 0

(11) Annuities payable to Shanbogues Rs. 132 12 0

Total	...	2,119 10 0
For 3 Years	...	6.358 14 0
Deduct amount received up to July 1885, by the Shanbogues	...	1,579 8 0
Total due is	...	Rs. 4,779 6 0

2. Plaintiffs were represented by Advocates, Messrs. Ananda Rao, and Naraniengar and Defendant by Mr. Raja Rao.

DEFENCE :—"This Court has no Jurisdiction as the cause of action did not arise within its territorial limits and as the Defendant does not reside within this District or Province. The bulk of the property of the Mutt is outside the province. This Suit is not cognizable by a Civil Court.

Plaintiffs' claim is also barred by limitation.

Hole-Narasipore is not the Head-quarters as alleged."

3. The following preliminary issues were framed :—

First. Is the Suit cognizable by Civil Courts ?

Second. Has this Court Jurisdiction ?

Third. Is the Suit in time or is it barred by Limitation ?

4. On 26th June, 1889, the Court passed the following order :—

" The evidence adduced in this Case, both oral and documentary, proves to my satisfaction that the Head-quarters of the Defendant's Mutt is Hole-Narasipore and that this Court has Jurisdiction. My reasons for this conclusion will be given *in extenso* in my final Judgment.

The objection that the Suit is not cognizable by the Civil Courts was not seriously pressed by the Defendant's Advocate. The question of the limitation will have to be dealt with along with the merits of the case.

The Defendant will therefore be called up to state his defence on merits or to file a written Statement."

5. The Defendant filed the following written Statement—

(1) The Plaintiffs' Claim is barred by resjudicata by reason of the decision in No. , of the Court of the 1st Taluqdar of Indore Nizam's Territories.

(2) The Shanbogue's appointment is not a heriditary one and the Shanbogue is only an ordinary servant, removable at the will and pleasure of the Guru and he has no interest in or control over the Mutt properties and the Plaintiffs' right as alleged in Para. 6 of the Plaint is denied.

(3) The Plaintiffs are not entitled to any percentage on the income of the Mutt of whatever nature or to the several items of annuities and perquisites detailed in the plaint schedule. The amount specified in the said schedule, against each of the items, is excessive and these annuities and perquisites are only payable to the person who performs the duties of Shanbogue and no one has any special claim or hereditary right to them.

(4) The income of the Mutt per year after defraying the expenses amounts to Rupees 24,000—0—0.

(5) The Mutt Shanbogue does not get any percentage on the income of whatever nature derived from the Mysore province.

(6) The Plaintiffs were dismissed for their fraudulent, dishonest and disrespectful conduct towards the Mutt and the late Guru, Sree Sathya Veeraswamy, after a full investigation into the matter.

(7) That the conduct of the Plaintiffs towards His Holiness Sathyadheeraswamy, the present Guru of the Mutt, is also such that His Holiness cannot keep them in the Mutt Service any longer.

(8) The amount under item No. 11, in the Schedule, is not due to Plaintiffs. It was only a charitable payment and the Plaintiffs have no right to it.

(9) The item No. 9, is not enforceable and is not due to the Plaintiffs.

6. The Suit came on for settlement of issues on 8th July 1889 when the parties were represented as before; and the following issues were settled :—

First. Is the Suit resjudicata ?

Second. Whether the Plaintiffs are the hereditary Shanbogues of the Mutt with all or any of the rights and privileges in the plaint mentioned ?

Third. Whether the Defendant had a right to remove them from office ?

Fourth. Whether the removal was improper and unjustifiable or was made on good and sufficient grounds ?

Fifth. Whether the Plaintiffs are entitled to the percentage claimed by them on the nett income of the Mutt derived from all sources ?

Sixth. Whether the several items in Suit are correct, and whether Plaintiffs are entitled to recover all or any of them ?

Seventh. Whether they are entitled to the declaration sought, and to be reinstated in the office of Shanbogue or whether by their conduct subsequent to removal they have so conducted themselves as to disentitle them to these reliefs ?

Eighth. Whether this Court can take cognizance of the income derived outside its Jurisdiction, and if it cannot, is the Suit cognizable by this Court ?

Ninth. To what relief, if any, are Plaintiffs entitled ?

7. The Suit came on for final hearing on the following dates:— 17th October 1889; 19th October 1889; 21st October 1889; 23rd November 1889; 28th November 1889; 3rd December 1889; 5th December 1889; 16th December 1889.—The Plaintiffs were represented by Messrs. Ananda Rao and Naraniengar and the Defendant by Mr. Raja Rao.

8. The Plaintiffs examined 29 witnesses in this Court and 31 witnesses on commission; and the Defendant 20 witnesses in this Court and 6 witnesses on commission.

9. The list of Exhibits filed by the Plaintiffs and the Defendant is appended to this Judgment.

10. The case being one of some importance, I have given it my best and most anxious consideration.

11. The objection that the Suit is not cognizable by the Civil Courts was not pressed during the argument. It appears to me clear that there is no force whatever in this objection.—" A Suit, in which the right to property or to an office is contested, is a Suit of a Civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies. " (See Explanation appended to Sec. XI. of the Code of Civil Procedure). If the office of Mutt Shanbogue is hereditary and belongs to the Plaintiffs' family, there is nothing to prevent that office and its emoluments being made the subject matter of litigation in the Civil Courts. No authority, in support of the Defendant's contention to the contrary, was cited by his Advocate. I therefore hold that the Civil Courts are competent to entertain Suits of this description.

12. It is next contended that this Court has no jurisdiction, the Defendant having no permanent place of abode anywhere and the bulk of the Mutt property being situated beyond the territorial limits of this Court. This contention is, in my opinion, as futile as the one already disposed of. A mass of evidence has been adduced to prove that Hole-Narasipore in the Hassan District is the Head-quarters of this Mutt.

The Plaintiffs' 1st witness, Mr. Vejayendra Rao, states that the Mutt in question is called the Hole-Narasipore Mutt, that its principal seat is Hole-Narasipore and that like the Swamies of all other Mutts, the Defendant is continually on the move.

The 2nd Witness, Mr. T. Ananda Rao, gives evidence substantially to the same effect. The Mutt enjoys a liberal money grant from the Mysore Government. On a complaint made to this witness when he was Deputy Commissioner of Hassan, he held an enquiry and satisfied himself that the principal seat of the Mutt was Hole-Narasipore. He accordingly directed that a portion of the said grant should be spent upon a Sanskrit School at that station. The Mutt accepted this order without demur. This witness goes on to say that by Head-quarters he means the permanent place of residence of the priest. Three other very respectable witnesses, to wit, Messrs. Kristnamoorthi, Poornia and Sooba Row depose to the truth of the Plaintiffs' allegation that Hole-Narsipur is the Head-quarters of the Mutt. Mr. Vejayendra Rao's evidence proves the genuineness of exhibits A. B. &c. Of these A. is an extract from the Inam Register of the Madras Presidency. This document calls this Mutt the Hole-Narasipore Utharaji Mutt. B. and C. are Niroopas issued by His Highness the Late Maharaja of Mysore. They clearly show that Hole-Narasipur is the fixed place of abode of the Swamy of this Mutt. The testimony of the Defendant's agent (Plaintiffs' 3rd witness) is very important. This witness admits that there is a large library attached to this Mutt and that it has always been located at Hole-Narasipore. The largest Mutt building is situated at that place. D. E. F. and G. are Powers of Attorney sent by the Mutt from distant parts of the country. In all of them the town of Hole-Narasipur is mentioned as the "Stala" or seat of this Mutt. Admittedly no document exists wherein any other place is put down as the seat of the Mutt This is most significant. Why should documents written and forwarded from foreign parts describe this institution as the Hole-Narasipur Mutt if that station is not the principal residence of the Swamy? It is said that that is the name by which the Mutt is known in the Mysore Province alone. But not only does the documentary evidence, adduced in the case, disprove this statement, but there is not a particle of evidence of any kind whatever to show that the Mutt is known by different names in different parts of the country. In the Mysore Province, sacerdotal institutions of this kind have always received great encouragement and larger patronage than elsewhere in India. They have long been endowed with liberal grants from the Sovereign, both in the shape of money and of land. Besides the Mutt in question, this Province contains the following important Mutts,—viz., the Sringari Mutt, the Parkala Mutt, the Nanjanagood Mutt, the Sosale Mutt, the Avani Mutt, and so on. Every one of these Mutts has a Head-quarters of its own in this Province. The Swamies of all those Mutts travel a good deal in the same way as the Guru of the Mutt in question.

Every one of those Mutts has a local habitation, and there is no reason to suppose that the Defendant Mutt is an exception to the rule. Similar institutions in British India, also have seats of their own. The Swamy of this Mutt has, it is true, been absent from Hole-Narasipore for more than twenty years past. It is also true that the Mutt possesses property in several other parts of the country. But the fact remains that Hole-Narasipore is its Chief Seat. The Swamy has a permanent dwelling at that place, and lodgings, for a temporary purpose only, at other stations. His Highness the late Maharaja repeatedly drew the Swamy's attention to this fact and remonstrated with him for staying away so long from his Head-quarters. The Mysore Government, through its Officers, insisted upon a substantial portion of the grant being spent at Head-quarters. Under these circumstances it is impossible to say that this Mutt is an itinerant institution without a permanent residence. Under Explanation I. appended to Section 17, of the Civil Procedure Code, I hold that the Defendant must be deemed to reside at Hole-Narasipore and that this Court has Jurisdiction to admit, and deal with this Suit.

13. The next technical objection raised by the Defendant is, that this Suit is barred by the law of limitation. This plea like the other two already disposed of, seems to me to be wholly devoid of foundation. There was a Criminal Case in Mysore, in connection with certain thefts, which had occurred during the stay of the Defendant's predecessor at Madras. The 3rd Plaintiff was sent to Mysore in order to watch the Case for the prosecution. The evidence on record conclusively proves that in his absence, his brother Venkanachar was doing the duties of Shanbogue. He was expelled from the Mutt after the disposal of the Criminal Case. When the 3rd Plaintiff went back to the Mutt, he was told that his services had been dispensed with. Intimation of such dismissal was given to him by notice marked A. The contention that the notice was a formal one and that the 3rd Plantiff's dismissal had taken place several months previous to the date thereof, has not been established. The genuineness of this notice is not seriously disputed by the Defendant.

The Plaintiffs' 13th and 14th witnesses prove it beyond all shadow of doubt. Assuming that the period of limitation applicable to this suit is only three years, I still hold that the suit is not barred by efflux of time.

14. Having thus disposed of the preliminary objections urged by the Defendant, I now proceed to discuss the questions raised by the 3rd and 4th issues which, in my opinion, raise the most important points for determination in this case. It appears to me absurd to contend that the Swamy is under no circumstances entitled to remove his servants from their offices or to refuse to bestow those offices on the relatives of the servants so removed. Proved misconduct or dishonesty is I think sufficient to warrant such removal and exclusion.

15. In support of his contention to the contrary the Plaintiffs' Advocate relies upon para. 21, of Exhibit A4. He has done his very best for his clients but he has failed to satisfy me that his contention is correct. A4 purports to be a document executed to the 1st and 2nd Plaintiffs' father, and others by a predecessor of the Defendant in Angirasa last. The para relied upon says that even

should a servant be found guilty of theft or misappropriation his office should not be bestowed upon any other person than his legal heirs. In the first place the alleged executant of A4. had no right to enter into such an unreasonable undertaking and to bind his successors by it. In the next place, I am not satisfied that he executed this document in the manner alleged. About the date of this document, the Plaintiffs were engaged in a litigation against the Mutt. That litigation had reference to certain acts of misappropriation of which the Swamy had been accused. There was no loss or theft of Mutt property. There was no question whether the servants of the Mutt were removable from office and whether the Swamy had a right to appoint in their places persons who were not their legal heirs. In short there was then no occasion whatever for the Shanbogues to demand, or for the Swamy to grant, the undertaking contained in this instrument. The evidence of the 3rd Plaintiff in this respect is most unsatisfactory. He stated that a large number of persons were present at the time of the execution of A4. But of these only one was called to prove its execution. He first denied that any Government Official or Officer was then present. He afterwards contradicted himself and asserted that a Police Duffadar was present on the occasion. The evidence of that official is not forthcoming. The only witness who deposes to the genuineness of A4. is the Plaintiffs' 13th witness. This witness deposed as follows, "I was not actually present when it was signed and sealed. I was seated outside, somebody brought the paper and got me to attest it. I was invited in order that I might be nominated the successor of that Swamy. So, I was present when the Nibhandana was discussed. I was not displeased with anybody because I was not selected. I dont know what conversation took place in the room where the Swamy was seated. I don't know how long after the Talukdar's arrival this document was executed. He and the Swamy did speak to each other but I dont remember the purport of that conversation. I think I was the first to attest it. Another person was seated near me and he also attested it. I don't know whether he is now alive or dead. I did not again speak to the Swamy about this document." Is this vague and unsatisfactory evidence sufficient to establish the genuineness of A4? I think not. This witness was a disappointed candidate for the place now occupied by the Defendant. He was not confessedly present when the terms were discussed and settled, and when they were reduced to writing. He does not know what the conversation was that took place on the occasion. He did not see the Swamy sign or seal the document. He cannot assert that the document was really executed by the Swamy. He says he was sitting outside, when somebody brought him this paper and obtained his attestation to it. He refers to the presence of the Talukdar—a matter not alluded to by the 3rd Plaintiff. He made no enquiries to satisfy himself that the paper he was asked to attest was a genuine document. He did not question the Swamy about it either at once or at any time subsequently. His evidence is not only interested and incredible, but also falls far short of legal proof of the authenticity of A4. It is alleged that Exhibit A9. proves that this document was in existence in the year 1878. But this allegation is not borne out by the record. A9. purports to be a bond executed to the Plaintiffs' 29th witness by the 3rd Plaintiff and his cousin. Several documents were pledged with this witness and a document bearing the same date as A4 was one of them. The witness is unable to identify

those documents. That is to say he is unable to assert that A4 was one of the papers pledged with him by the Plaintiffs. Some paper, answering to the description of A4, was pledged with him, but what is there to show that this was the identical document thus pledged? The record shows that at or about the time of the said transaction, the Shanbogues were not on the best of terms with the Swamy. The Shanbogues were trying their best to discredit the Swamy, and to curtail his powers. There is nothing to show that the document pledged with Plaintiffs' 29th witness was not some other Nibhandana, or that, if A4 was that document, it had not been fabricated, in order to strengthen the case against the Guru. If there is a strong motive for the fabrication of such a document now, there was undoubtedly an even more powerful motive for such fabrication 10 or 15 years back. From the mere fact of a paper bearing the date of A4 being referred to in A9, I cannot conclude that A4 was that identical paper, or that it is an authentic instrument. Then again, it is admitted that the Swamy was very sick and in great distress on the date of A4. There is nothing to show that no undue pressure was brought to bear upon him, or that he executed A4 voluntarily and with full knowledge of its contents. There is no other evidence, oral or documentary, to prove that the Defendant has no power to dismiss the Mutt officials for proved misconduct or that he is under an obligation to replace such officials by their own legal heirs and representatives. I must repeat that the Plaintiffs' contention is most unreasonable, and that if successful it would lead to most disastrous consequences. I hold that that contention is not entitled to succeed.

16. The circumstances under which the Plaintiffs were dismissed from their office were these:—The Swamy was staying at Madras for a few months in the year 1885. A valuale jewel called *Thanmani* was found missing. Three days later, the 3rd Plaintiff produced it before the Swamy, alleging that it had been found minus the pearls, in a window of the building in which the Mutt was located. A fortnight or so afterwards, the Plaintiffs reported the loss of another set of valuable ornaments called *Ambari*. The Plaintiffs were in charge of the treasure room and jewel boxes. The articles were too large to have been easily removed without the knowledge of the Plaintiffs. No outsider could have had access to them without exciting the suspicion of the guard posted outside the building. Several persons closely related to the Plaintiffs happened to stay in the Mutt about the time of the disappearance of the said articles. They were in impecunious circumstances and were waiting for some help from the Swamy. The previous conduct of the Plaintiffs in connection with the Thanmani had not been altogether free from suspicion. The Ambari ought to have been secured in the Doddawugrana on the beach and not in a room of the Mutt building from which it was reported to have mysteriously disappeared. The Plaintiffs had on several previous occasions taken up an attitude hostile to the Mutt, and were apparently not sincere friends and well-wishers of the Swamy. There were in pecuniary embarrassment at the time. They were unable to give a proper account of the circumstances under which the Ambari had been lost. Broken pieces of this ornament were found in a house of one of their relatives at Mysore. The prosecution instituted against the father of Plaintiffs 1 and 2 and against certain relations of his, failed for want of conclusive proof. The Swamy saw reason

to suspect that while apparently advancing the cause of the prosecution, the 3rd Plaintiff had really done all what he could to thwart and defeat it. The Plaintiffs were the custodians of all the Mutt property. They failed to show that the article in question had really been taken away unknown to them. There was strong presumptive evidence against them. Consequently the Swamy removed them from their office of Shanbogue.

16. The Plaintiffs' Advocate contends that no regular enquiry was held in the matter by the Swamy and no opportunity given to the Plaintiffs of establishing their innocence. But I do not think that an elaborate and formal enquiry akin to a judicial trial was indispensable. The Swamy did not dismiss the Plaintiffs as soon as the loss was reported to him. He waited sufficiently long and did all that a reasonable master should do to find out whether the Plaintiffs were accountable for the loss or not. He found that circumstances clearly pointed to the Plaintiffs as the authors of the disappearance of the article. Then, as now, the Plaintiffs were unable to show that the article could have disappeared, otherwise than through their instrumentality or by their connivance. It is to my mind clear that the course adopted by the Swamy was not improper and that the law does not expect an employer to do anything more than was done in this case by the Swamy.

17. Moreover, from the evidence before me, I am of opinion that the Plaintiffs' dismissal from office was perfectly justifiable. Before proceeding to discuss that evidence, I must notice the Plaintiffs' Advocate's objection that, be the Plaintiffs guilty or innocent, they must be restored to office because no enquiry was held by the Swamy previous to the removal complained of. He quotes the Bellary Club case in support of this contention. I have read that case carefully and am of opinion that it does not lay down the very broad proposition of law contended for by the Plaintiffs' Advocate. I hold that there is nothing to prevent the Court from considering all available evidence *pro. & con.* in order to be able to determine whether there was sufficient justification for Plaintiffs' dismissal from office or not. The Defendant says he dismissed the Plaintiffs because he saw reason to believe they were guilty. The Plaintiffs contend that they were perfectly innocent and that the dismissal was an unwarranted proceeding. The point therefore for decision is whether the Plaintiffs were innocent and whether their dismissal by the Swamy was unjustifiable. There is nothing to preclude me from going into this question. The Plaintiffs' restoration to office ought not to be ordered without considering this question, and on the mere ground that no formal investigation was held by the Defendant. To order such a restoration would be to enact a farce and would necessitate another lawsuit. After Plaintiffs are thus restored the Defendant would hold a formal enquiry and again dismiss them from office. The Plaintiffs would thereupon come to Court and contest the correctness of such dismissal. The question whether the dismissal is justifiable or otherwise would then have to be gone into and determined. The course thus contended for has no reason or common sense to recommend it. Informality by itself is not sufficient to set aside the dismissal. If notwithstanding such informality the evidence justifies such dismissal, the Court is entitled to refuse its interference. Both the parties seemed to think so too, and accordingly sought a judicial expression of opinion as to the sufficiency

or otherwise of the grounds upon which the dismissal was made, though after the close of the trial the Plaintiffs' Advocate urged that that question was wholly foreign to this litigation. This last argument is unsound and cannot be accepted.

18. It is admitted that the Plaintiffs were the responsible custodians of all costly jewels belonging to the Mutt. The Mutt had the use and occupation of two different houses in Madras. Those buildings were situated in two distinct and separate localities. The Swamy, with his followers, was staying in one of them. In that house there was a small room for securing jewels required for daily and constant use. The Plaintiffs were in immediate charge of that room. More costly articles which were only required for occasional use, were being secured in the other building which had a stronger guard than the house in which the Swamy was staying This is what 3rd Plaintiff says on this point.—"The Doddawugrana was in a house on the sea-shore. The whole house was rented for it. There were three guards over the house, one inside one outside and one upstairs. The jewellery was all kept downstairs. The cradle and all other costly articles were all kept there. Only articles in daily use and those requiring repair were kept in the Mutt (otherwise called Chickawugrana). People could not as freely come into and go out of the Doddawugrana as in the Mutt. The Ambari is not used on any other occasion than during Navaratri. After we went to Madras, both the cradle and the Ambari were in the same place, that is in the Doddawugrana." It is thus clear that the Ambari would not have been lost if it had remained in the Doddawugrana. The 3rd Plaintiff alleges that it was lost in the other building. When and why did it go there and why was it kept there? On this point there is enough in the statements of the 3rd Plaintiff and his witnesses to show that the story of the loss has an inherent air of improbability about it.

19. The 3rd Plaintiff states that when the Thanmani was lost the Ambari was in the Doddawugrana. He goes on to say that "all the articles were next sent for, for the purpose of making a Jadthi. The Jadthi occupied one or two days. All the articles were next returned to the Doddawugrana except the Ambari. The Ambari was retained here because it had to be repaired. It was not completely broken, but it needed slight repairs here and there. It was with the Swamy's permission that the Ambari and other articles were kept behind. He said "Let them remain here We may send them by and bye. It wass about 20 days or a month after this Jadthi that we missed the Ambari. The Ambari was not repaired during that period. There was two or three days work to be done." Further on he states that Parakate Krishnamachar and others were present when the Swamy told him not to send the Ambari back to the Doddawugrana. But what does Varakade Krishnachar say? He contradicts the 3rd Plaintiff and states that this article was not sent back to the Doddawugrana at all after being used during the Navaratri. For the purpose of the Jadthi made several months afterwards, he says all the costly ornaments of the Mutt were sent for from the Doddawugrana, but not the Ambari in question which remained in this Mutt itself since the Navaratri. This witness goes into details and says the Ambari lay in a box, not in the said room, but in charge of the guard at the outer door for some 10 or 15 days. He says the 3rd Plaintiff next removed it into the treasure room of the Mutt where it lay for two or three or four months. He asserts that it was not taken

out of the room at all for three or four months. He admits that all the articles sent for for making an inspection were at once returned to the Doddawugrana. The Ambari was not one of the articles thus sent for, nor was it retained under the circumstances stated by the 3rd Plaintiff. The witness states that he was present at the Jadthi but that no conversation then took place between the 3rd Plaintiff and the Swamy about the Ambari. Nor did he afterwards hear any talk on the subject between these two persons. There is thus a serious conflict between the 3rd Plaintiff's assertion and that of witness Krishnachar as to when and why the Ambari was sent for, why it was retained in a place other than that where it ought to have been secured, how long it thus remained in the wrong place and whether such retention was authorized by the Swamy. Further on the said witness stultifies himself and gives a version diametrically opposed not only to his own first statement but also to that of the 3rd Plaintiff. He states that "for two Navaratri the Ambari and other jewels were sent for from the other house. After the Navaratri was over, all these including the Ambari were sent back to that house. Ten or twelve days afterwards the Swamy asked the 3rd Plaintiff to send for it from the Doddawugrana as he wanted to see it and get it repaired. Only the box containing the Ambari was brought by a Sudra servant. The Swamy saw the jewel and said that it should be repaired. It was slightly crooked and that was all. It could have been straightened in two or three Ghaligês. When the Swamy said as above, the 3rd Plaintiff secured it in his room. A day or two afterwards the other articles were sent for, for the purpose of a Jadthi. All of them including the Ambari were then examined. Not one of the articles thus sent for was afterwards sent back to the Doddawugrana. They all remained in the 3rd Plaintiff's room in the Mutt until the Swamy left Madras." What does this amount to ? It amounts to this that the Ambari was sent for not for the purpose of a Jadthi along with the other articles but separately by itself for being repaired, that the repairs required were very slight and could have been executed in an hour, and that neither this article nor any of the other articles subsequently sent for were returned to their proper place. There are thus three different and inconsistent versions viz., (1) that the article in question was removed to the Mutt building during the Dasara and was never afterwards sent back ; (2) that it was sent for separately and by itself for the purpose of being repaired and not along with the articles brought for the usual periodical examination, and (3) that it was brought to the Mutt along with all other articles for the usual inspection. In not a single particular has the 3rd Plaintiff been corroborated by witness Krishnachar. There is not an iota of independent evidence to show either that the Swamy directed the Ambari being sent for the purpose of being repaired, or that he authorized its being retained in the Mutt building while all other similar articles were returned to their usual place. The repair of which this article is alleged to have stood in need was very slight and could have been executed in less than an hour. There was no warrant for the Plaintiffs' keeping the article in the Mutt unrepaired for such a long time as a few weeks or a few months.

20. The Sudra servant who is said to have brought it from the Doddawugrana has not been called, nor have the Plaintiffs adduced the evidence of the several persons other than Krishnachar

who are alleged to have been present when the retention of the article in the Mutt building was authorized by the Swamy. I don't believe that the object of removing the ornament to the Mutt was the execution of repairs to it, or that its return to the Doddawug-rana, was postponed on that account. The Plaintiffs had further no right to endanger the safety of the article by putting off the needful repairs for an unreasonably long time and keeping the article in a place less guarded than the usual place. Read in the light of the previous disappearance of the Thanmani and of its most mysterious recovery. I am of opinion that the loss of the Ambari could not be accounted for otherwise than by fastening the guilt on the Plaintiffs.

21. It is noteworthy that broken pieces of this article were some time afterwards found in a house at Hole-Narasipore and that a strong suspicion attached on that account to some of the relatives of the Plaintiffs. It is all very well for the Plaintiffs to say that they do not know how the article was lost and how fragments of it were subsequently found at Hole-Narasipore. But the account which the 3rd Plaintiff gives of the circumstances under which the ornament happened to be in the Mutt building and to be missing is false on the face of it. No other hypothesis seems reasonable and natural than that the disappearance of the article was deliberately caused by Plaintiffs themselves. Two of the Mutt Sepoys depose to the suspicious visit of the 1st Plaintiff to the treasure room one night and to his equally suspicious departure therefrom. It is true that that they are under the influence of the Mutt and that their present testimony is not thoroughly consistent with the evidence given by them before the Magistrate. But I must observe that there was nothing unsatisfactory in their demeanour and that being ignorant and illiterate men their memory cannot be very powerful and retentive. Be this as it may, it is obvious that there is sufficient evidence in the 3rd Plaintiff's own statement and in the statement of his witness Krishnachar, to show that he could not be the innocent person he represents himself to be. There is nothing to prevent the Defendant from asking the Court to find the point against the Plaintiffs upon their own evidence.

22. The 3rd Plaintiff states that the room did not seem to have been broken into. Ho wthen could the Ambari have disappeared unless the Plaintiffs themselves had removed it or caused its removal? The 3rd Plaintiff goes on to say that one day about 15 or 20 days before the missing of the Ambari, a peon came and reported to the Swamy and himself that the door was found unlocked: that the Swamy sent the 1st and 2nd Plaintiff's father Sreenevasachar to see if the report was true and that Sreenevasachar then looked at the boxes which had been placed above the Ambari box and missed nothing. Hd did not then examine the Ambari box. Is this likely? I think not. The room would have been thoroughly overhauled, if a report had been made to the above effect. The story is too improbable to merit any serious consideration. The theory of house-breaking and theft is thus absurd on the face of it. It is clear from the foregoing observations that the Plaintiffs were not as mindful of the interests of the Mutt as they were bound to be, that the loss of the Thanmani was most suspicious, that its recovery was even more so, that the Ambari was purposely sent for and kept within easy reach of the Plaintiffs and their friends, that the Plaintiffs were the responsible

custodians of the Mutt property, that the room in question could not have been broken into and that there is a moral certainty and conviction that the disappearance of the Ambari was brought about by the Plaintiffs themselves. I must take it that ordering the Plaintiffs' dismissal the Swamy must have been influenced by the same process of reasoning as that which has led me to the above conclusion.

23. Another view to take of the case, and that a more favorable and charitable view than the one already recorded,—is that the Plaintiffs were guilty of gross and culpable negligence and direliction of duty. They were bound to keep the Ambari, a costly article worth 4,000 or 5000 Rs. in a properly guarded place. They ought not to have removed it to the Mutt building without the orders of the Swamy. Having so removed it, they ought not to have detained it there for a longer time than was absolutely necessary. As long as it remained there they ought to have been most vigilant. Instead of that, when a report sufficient to excite suspicion reached them from the Sepoy guard, they did not take the trouble of examining the box to see if its contents were safe There is no denying the fact that the Plaintiffs so conducted themselves as to amply merit the dismissal ordered by the Swamy.

24. The case against the Plaintiffs may not be sufficiently conclusive to warrant a conviction in the Criminal Courts. But that it is strong enough to produce a moral conviction, seems to me to be beyond all reasonable doubt. This I think fully justified the Plaintiffs' removal from office.

25. Before parting from this part of the case, I must observe that this was not the first time that the Plaintiffs were dismissed by the Head of the Mutt. On two or three previous occasions they had been dismissed for refractory and grossly obnoxious conduct. Their restoration was due not to any right on their part but to the clemency of the Swamy.

26. For all these reasons, I hold upon the 3rd issue that the Swamy had a right to remove the Plaintiffs from office on account of misconduct and dishonesty and upon the 4th issue that the removal complained of was made on good and sufficient grounds.

27. These findings are sufficient to warrant the dismissal of this suit. Having however taken evidence on all the points raised in the pleadings, I think it desirable that my judgment ought to be made complete. I therefore resolve to record findings upon the other issues settled in the suit.

28. The 1st issue raises a question of law which is easily answered. The Plaintiffs proceeded to the place where the Swamy was encamped and laid a complaint before the local authorities. Nothing seems to have come of that complaint. No suit, however, was instituted by the Plaintiffs in a competent Civil Court, and there was no judicial adjudication of the questions in issue in this case. The plea that the suit is resjudicata must accordingly fail. The 1st issue is thus disposed of.

29. To prove that the office of Shanbogue is hereditary and has long belonged to the Plaintiffs' family, the evidence on record is overwhelming and conclusive. Exhibit L. which is deposed to by the Plaintiffs' 5th witness is a Nirup from His late Highness. It refers to the office of Shanbogue as a *haqdari* office. Exhibit W.

likewise says that the offices of the signatories thereto are hereditary and *haqdari*. The Plaintiffs' 10th witness, who is hostile to the Plaintiffs, is obliged to admit that it contains his father's signature. The Plaintiffs' 11th witness proves Exhibit Y. wherein it is stated that the offices of 63 servants of the Mutt including that of the Shanbogue are hereditary. A1, is the notice issued to Plaintiffs informing them of their removal from the office of Shanbogue. Its genuineness has been proved by the Plaintiffs' 13th and 14th witnesses of whom the latter is clearly hostile to the Plaintiffs. This document refers to Plaintiffs' "*haqdari.*" A27, is a Nirup issued by His late Highness and has been proved by the Plaintiffs' 21st and 25th witnesses. It says that the office of Shanbogue has been in the Plaintiffs' family from generation to generation. It describes this and other offices as hereditary. It shows what the duties, rights and privileges are of the Shanbogue and what emoluments he is entitled to. There can be no doubt that this is an old and genuine document. A40, is a very important document being a *danapatra* or deed of gift executed by the Swamy to an ancestor of the Plaintiffs in the year Lôbakrutu. The 3rd Plaintiff deposes to its genuineness. It is an ancient document and has all the appearance of being a genuine one. It comes from proper custody and has not been successfully impeached by the Defendant. It recites the loss of a prior copper Shasana, and goes on to say that the Shanbogue has a hereditary and haqdari office in the Mutt with certain rights, privileges and emoluments. A41, which is also in my opinion genuine contains a similar admission from the head of the Mutt. A42, A43 and A44, are likewise important and contain a clear admission that the office in question is hereditary and carries with it certain rights and privileges. A46, is an order issued to the Amildar by Dewan Poornia. It shows that the offices of Shanbogue and other servants of the Mutt are hereditary and that these persons have a right to take an active and prominent part in the management of the affairs of the Mutt. I am satisfied that this is a genuine document. A48, is a letter addressed by Dewan Poornia to an ancestor of the Plaintiffs. It clearly recognizes the hereditary and haqdari character of the office of Shanbogue. I see no reason to suspect that this is not a genuine document. A63 is a petition addressed to His late Highness by the agent of the Swamy in the year Raktakshi. It admits that the Shanbogue and other offices in the Mutt are hereditary. A66, which according to the 3rd Plaintiff and his 27th witness bears the signature of the present Defendant contains statements most favorable to the Plaintiff. A71 is deposed to by Plaintiffs' 27th witness. It purports to be a book kept in the Mutt and to contain a record of admissions by several successive Swamies. I am inclined to think that it is genuine. It affords very valuable evidence in Plaintiffs' favour.

30. The Plaintiffs' 10th witness who as already observed is not favorably disposed to the Plaintiffs admits that the Plaintiffs have to his knowledge been the Shanbogues of the Mutt for more than 20 years. The Plaintiffs' 11th witness states that he has known the Plaintiffs and their ancestors holding the office of Shanbogue for over 50 years. The 12th witness knows that the Plaintiffs held that office for about 40 years. The 13th witness has seen them in office for 40 or 50 years. The 15th witness asserts that the office of Shanbogue is an hereditary haqdari appointment. The 17th witness gives evidence to the same effect and goes

on to say that he has known Plaintiffs holding the office for 20 or 25 years. The 19th witness has known the Plaintiffs occupying that office from his boyhood. The 20th witness states that he has seen the Plaintiffs' family occupying the office of Shanbogue for some 50 years and that that office is a hereditary one.

31. The Defendant's 4th witness makes some admissions most damaging to the Defendant. He is an employé of this Mutt. Before him, his father and uncle were employed in the Mutt. They used to get no salary, but vartanî used to be given them. His family held the office from generation to generation. The 3rd Plaintiff was doing the duties of Shanbogue. The Plaintiffs' family held that office from generation to generation. As Shanbogues the Plaintiffs used to get vartanî. They could only be removed from office if they should misbehave themselves. What does this testimony amount to? The answer is clear that it amounts to an almost full and complete admission of the basis of the Plaintiffs' claim. The Defendant's other witnesses are also compelled to admit that the office of Shanbogue was long being enjoyed by the Plaintiffs' family. Of these the 16th witness says that the Plaintiffs' family held the office from generation to generation.

32. Of the witnesses examined by Commission, Mr. Sooba Row states thus—"As I understand the word hereditary, *i.e.*, service confined to members of one family, I must say to my knowledge Sreenvasachary (1st and 2nd Plaintiffs' father) and Shamachary (3rd Plaintiff) have been doing service since my 14th year till August 1885, for 34 years except for a short time in the interval when they were out of office, and they belong to the family of Shanbogues and I therefore say they have hereditary right to the office." Mr. Poornia believes that the office of Shanbogue is hereditary.

33. It is unnecessary for me to refer to other papers and witnesses. The evidence and documents already noticed, are sufficient to establish the hereditary character of the office of Shanbogue. Upon the evidence on record, no other conclusion is possible. It is true that on two or three occasions the Plaintiffs' family was out of office for short periods. But this does not show that the office is not hereditary. I have no hesitation whatever in answering in the affirmative the question raised by the 2nd issue.

34. The Plaintiffs assert that as Shanbogues they were entitled to vartanî of several kinds including $2\frac{1}{2}$ per cent. on the nett income of the Mutt. The Defendant denies this and states that the Plaintiffs used to get neither a fixed salary nor any vartanî and that their remuneration depended entirely upon his own pleasure. Upon a perusal of all the the evidence before me, oral and documentary, I am clearly of opinion that the Plaintiffs' assertion is perfectly true. Several of the Plaintiffs' witnesses allege that the Plaintiffs were entitled to the items claimed and used to enjoy the same as long as they were in office. The Plaintiffs' 10th witness, though decidedly hostile to the Plaintiffs, is compelled to admit that the whole of Patti V. is in his own hand-writing and that it bears his signature. He pretends not to remember the settlement recorded therein and not to know what the vartanî referred to in it means. I cannot believe his statement. This exhibit is cogent evidence in proof of the Plaintiffs' allegation.

The Plaintiffs' 13th witness was a lessee under the Mutt for several years. He states that out of the total Gootta payable to the Mutt, 5 per cent. used to be set apart for payment to the Shanbogue and Rozasadava. and that he used to pay $2\frac{1}{2}$ per cent. to each of these officials. His statement is fully borne out by Exhibits A2 and A3 whose genuineness seems to me to be abundantly proved. The Plaintiffs' 15th witness swears that the Plaintiffs used to get $2\frac{1}{2}$ per cent. of the revenue of the Mutt. The 18th and 22nd witnesses make a similar assertion. The Defendant's 4th witness who is now in the employ of the Mutt and who consequently is interested in defeating the Plaintiffs' claim is compelled to admit that as Shanbogues, the Plaintiffs used to get $2\frac{1}{2}$ per cent. of the revenue of Mutt villages. Though he pretended not to know what other remuneration the Plaintiffs used to get, he admitted in cross-examination that nearly all the items mentioned by the Plaintiffs used to be given them. This admission, coming as it does from a witnesss who is a servant of the Defendant, is most significant. He further admits that he actually saw the payments in question made to the Plaintiffs. The Defendant's 8th witness states that the Plaintiffs were in receipt of no pay but that they used to take all the emoluments attached to their office. The Defendant's 11th witness makes the partial admission that his father and brother told him that the Mutt used to pay vartanî during Mahasamârâdhanê and Navaratri. The Defendant's 19th witness admits that A74 and A75 are in his own hand-writing. They refer to the payment of vartanî to the Plaintiffs. The witness admits that he wrote these documents as dictated by the Swamy and that they contain the Swamy's signature. He says he does not know what the vartanî referred to therein means but this statement is clearly incredible. He admits that account books are kept in the Mutt. The Plaintiffs did all that they could to enforce the production of those books but the Defendant would not produce them. This raises a strong presumption against the truth of the Defendant's case.

35. The documentary evidence against the Defendant is almost crushing. Besides those already noticed, I may refer to Exhibits A7, A23, A24, A27, A29, A30, A40, A42, A43, A51. A64, A67, A68, A69, A70, A71, A72 and A73. I am satisfied that everyone of these documents is genuine and that they conclusively substantiate the Plaintiffs' case. Exhibits A5, A6, A10, A11, A12, A13, A15, A16 and A17, prove the Plaintiffs' claim to Varashasana. It is true that some of the parties relied upon by the Defendant make no mention whatever of the Plaintiffs' vartanî. But a sufficient and satisfactory explanation of this omission is forthcoming. Some leases included the vartanî while others did not. In the former case, the leases were under no obligation to pay the vartanî. Out of the amount payable by them, the Mutt had to meet the demand for vartanî. In the latter case, the leases had to pay not only the fixed Gootta to the Mutt but also pay the vartanî to which the Shanbogue was entitled.

36. All things considered I do not hesitate to hold that the Plaintiffs' witnesses and papers establish the Plaintiffs' right to the vartanî and other items particularized in the plaint, that the Defendant's witnesses give unreliable evidence on this point and that the Defendant's accounts have been purposely suppressed, for fear of their production affording evidence corroborative of the Plaintiffs' case. The 5th and 6th issues are accordingly found in Plaintiffs' favour.

37. The Defendant's predecessor died shortly after the dismissal of the Plaintiffs from the office of Shanbogue. The Defendant was nominated his successor and was duly installed. The Plaintiffs thereupon got up an agitation and openly asserted and even complained that the Defendant did not deserve his elevation, and that his installation was most irregular and improper and therefore quite invalid. They endeavoured to have him displaced from his high religious position. In this attempt they were unsuccessful. Even now they allege that the Defendant's installation was informal, obnoxious and most objectionable. They have not proved the truth of their assertion. They were not present when the Defendant was installed. They did not therefore know whether there was anything objectionable in the Defendant's installation and in the observance of ceremonies on that occassion. Exhibit A34, upon the strength of which they profess to have acted, has not been shown to be a genuine document. By taking up the attitude they did they behaved themselves in a manner unbecoming the disciples of the Mutt and inconsistent with the conduct expected of dismissed officials seeking restoration to their office. This amounted to an aggravation of their past sins and naturally made the Defendant reluctant to reconsider their case and to show them any favour or mercy. This conduct *per se* might be sufficient to warrant the removal of a Mutt servant. Taken in conjunction with the Plaintiffs' previous and persistent misconduct, it makes the Plaintiffs' case utterly hopeless. This observation disposes of the 7th issue.

38. The question raised by the 8th issue is intimately connected with the question of jurisdiction already disposed of. The Defendant contends that this Court cannot take cognizance of items of revenue derived by him outside its territorial limits, that the income derived within such limits does not entitle the Plaintiffs to to more than 1,000 Rs. for the three years in question and that consequently this suit ought to have been filed in the Munsiff's Court. I do not think that this is a valid contention. The Court has found that Hole-Narasipore is the Defendant's permanent place of residence. He is therefore liable to be sued in this District for all moneys payable by him, whether upon revenue derived within the district or outside it or both. The money thus claimed by the Plaintiffs exceeds the Munsiff's pecuniary jurisdiction. The Suit has therefore been rightly instituted in this Court. I cannot accede to the argument that the Defendant cannot be sued in any one place for all items of money due by him to the Plaintiffs, but that a large number of suits must be filed in as many different places according as the revenue upon which a percentage is claimed, is derived there by the Mutt. For these reasons, I overrule the objection with reference to which the 8th issue has been framed.

39. The last issue to be dealt with is whether the Plaintiffs are entitled to any and what relief. I have found that they were the hereditary Shanbogues of the Mutt and that as such they were entitled to the percentage and emoluments and ought to be recovered. I have also over-ruled the objections in *limine* taken by the Defendant to the maintenance of the suit. But then, I have also found that the Defendant had a right to remove them from office for proved misconduct or dishonesty, and that there was sufficient justification for their dismissal. Having been so removed

on good and sufficient grounds, they have now no right to claim restoration or to recover the vartanî and other items attached to the office of Shanbogue. The suit cannot consequently succeed.

40. I accordingly dismiss the suit with costs.

(Signed) C. SREENIVASA IYENGAR,
Sub-Judge.

11—7—90.

IN THE COURT OF THE SUBORDINATE JUDGE, MYSORE.

Original Suit No. 760, of 1888.

LIST OF EXHIBITS FILED BY BOTH PARTIES IN THIS SUIT.

Filed by Plaintiffs.—

A. The Inam Register of Madras Presidency.

B. Nirupa given by Krishna Raj Wodayar to Havari Venkata Madhwa Char, dated 13th day of Pushya Sudda of the year Roudri.

C. Nirupa dated 13th day of Chytra Bahula of the year Rudhirodgari.

D. Power of Attorney executed by Sreemanth Sathya Veera Theertha, Sree Padangalavaru in favour of Purushothamachar, dated 29th June 1880.

E. Nirupa executed by Sreemanth Sathya Parakrama Theertha, Sree Padangalavaru in favour of Madanantharajachar, dated 27th December 1875.

F. Nirupa executed by Sreemanth Sathya Kamatheertha, Sree Padangalavaru in favour of Venkobachar, dated th December 1868, 12th day of Pushya Sudda of the year Vibhava.

G. Nirupa executed by Sreemanth Sathya Veera Theertha, Sree Padangalavaru in favour of Narayanachar dated 7th April 1884.

H. Nirupa executed by Sreemanth Sathya Kamatheertha, Sree Padangalavaru to Venkobachar, dated 18th January 1868.

J. Nirupa executed by Annayyachar and several others in favour of Ramagiri Samachar.

K. Nirupa given by Krishnaraja Wodayar to Shamachar dated the 12th September 1826.

L. Nirupa given to Shanbogue Subbannachar, dated 23rd September 1830.

M. Nirupa given to Dodda Veerayya, dated 28th June 1831.

N. Ditto. Venkata Madhwa Chari, dated 3rd December 1851.

O. Vignapana pathrika addressed to Sreemath Sathya Parayana Theertha Sreepada Wodayar by His Highness Krishna Raj Wodayar.

P. Agnapathrika from the Mutt to Sreenivasa Moorthyachar, dated 6th day of Asweeja of the year Tharana.

R. Inam Extract.

S. }
T. } Title deeds.
U. }

V. Yadi, dated 1st Margisara Bahula of Tharana from Gundachar to Plaintiff.

W. An agreement made by Sreenivasa Char and several others, dated the 3rd day Vysaka Bahula of the year Angeerasa.

X. Samakhayapathrika writtten by Shanbogue Subba and several others, dated the 6th day Ashada of the year Vijaya.

Y. The petition addressed to Sir Sala Jung by Mr. P. N. Krishna Moorthy and several others, dated 29th November 1878.

Z. Power of Attorney executed by Rama Rao and several others in favour of Lakshmi Kanthachar, dated 14th February 1879.

A1. Notice given by the Mutt to Shamachar, dated the 5th day of Ashada Bahula of the year Parthiva.

A2. Account patti, dated the 6th day of Sravana Sudda of the year Vilambi.

A3. Account patti, dated the 2nd day of Margasira Sudda of the year Plava.

A4. Yadi of the Mutt to Sreenivasachar and others dated the 2nd day of Bhadrapada Sudda of the year Angeerasa.

A5. Letter written by Venkata Madvachar to Pillaraswamy Raya Char, communicating the orders of the Guru of the Mutt, dated the 5th day of Karthika of the year Rakshasa.

A6. Letter written by Bhima Bala to Purushothama Rao communicating the orders of the Guru, dated the 16th day of Sravana Sudda of the year Eswara.

A7. Account patti given to Shanbogue Shamachar, dated the 1st day of Chythra Sudda of the year Vikrama.

A8. Agnapathrika from the Mutt to Krishnachar, dated the 15th day of Margasira Sudda of the year Eswara.

A9. Document executed by Anantachar and another in favour of Krishnachar, dated 28th January 1878.

A10. Agnapathrika of the Mutt to Vasudevachar dated 15th day of Ashada Sudda of the year Vrisha.

A11. Agnapathrika of the Mutt to Venkatramanachar dated 15th day of Ashada Sudda of the year Vrisha.

A12. Agnapathrika of the Mutt to Guru Rayachar dated the 13th day of Palguna of the year Pramadi.

A13. Agnapathrika of the Mutt to Venkatramanachar dated the 15th day of Ashada of the year Vrisha.

A14. Agnapathrika of the Mutt to Madhavachar dated the 5th of Chythra Bahula of the year Tharana.

A15. Agnapathrika of the Mutt to Gundachar, &c., dated the 5th day of Jeshta of the year Tharana.

A16. Agnapathrika of the Mutt to Venkannachar dated the 5th day of Jeshta of the year Tharana.

A17. Agnapathrika of the Mutt to Narayanachar dated the 5th day of Jeshta of the year Tharana.

A18. Paravanay written by Poornia to Hiranaiah, Amildar of Narasipur, dated the 3rd day of Jêshta Sudda of the year Prabhava.

A19. Paravanay written to Lingay Gowda, Amildar, dated the 2nd day of Vysakha Bahula of the year Durmathi.

A20. Paravanay written to Amildar Hiranaiah dated the 10th day of Vysakha Bahula of the year Prabhava.

A21. Nirupa from the Mutt to Mr. Narasimha Iyengar, Palace Assistant Commissioner, No. 655.

A22. Letter written by Shanbogue Shamachar to Narahari Jayachar, dated the 5th day of Karthika Krishna of the year Tharana.

A23. Fysalati patti given to Krishnachar dated the 5th day of Margasira Sudda of the year Sreemukha.

A24. Account patti given to Jayarayachar by the Mutt, dated the 2nd day of Margasira Sudda of the year Visvavasu.

A25. Nirupa given by Krishnaraja Wodayar to Amildar Shamiah, dated the 5th day of Margasira Bahula of the year Yuva.

A26. Nirupa given by Krishnaraja Wodayar to Amildar Thamiah, dated the 8th day of Palaguna Bahula of the year Swabhanu.

A27. Nirupa given to Shanbogue Shamachar, dated the 12th day of Palaguna Bahula of the year Vyaya.

A28. Nirupa given to Venkata Madhavachar dated the 12th day of Adhika Ashada of the year Rakshasa.

A29. Money Order receipt with payee Sreenevasachar's signature dated 13th April 1881.

A30. Nirupa given by Krishna Raj Wodayar to Amildar Appajaya dated the 5th day of Asweeja Sudda of the year Vikurathi.

A31. Letter written by Gundachar to Madanantharajachar, dated 10th day of Chythra Sudda of the year Vikrama.

A32. Letter written by Gundachar to Madanantharajachar, dated the 2nd day of Bhadrapada Sudda of the year Vikrama.

A33. Letter written by Gundachar to Madanantharajachar dated 12th day of Jêshta Sudda of the year Vikrama.

A34. Letter written by Gundachar to Bhimachar, dated the 5th day of Karthika of the year Vyaya.

A35 to 37. Letters addressed to the Defendant from Tiruvadamarudur.

A38. Letter addressed to the Defendant care of Raghavendra Rao, Shimoga.

A39. Acknowledgment dated 10th December 1886.

A40. A gift deed executed by the then Sawmy to Shanbogue Narayana Bhatta dated 3rd Vyshaka Sudda of Shobhakritu.

A41. A gift deed executed by the then Swamy to Shanbogue Narayana Bhatta dated 10th Chythra Sudda of Tharana.

A42. A gift deed executed by the then Swamy to Shamachar and others dated 5th Sravana Sudda of Pingala year.

A43. Vyavastha Patra executed by the then Swamy to Shamachar and others, dated 15th Margasira Sudda of Yuva year.

A44. Vyavastha Patra executed by the then Swamy to Subaraya and others, dated 10th Magha Sudda of Jaya year.

A45. A Document executed by G. Venkatramanachar to the servants of the Mutt, dated 14th Magha Bahula of Playa year.

A46. A Nirupa by Poornia to the Amildar of Narsipur dated 12th Chytra Bahula of Durmati.

A47. A Nirupa from Poornia to the Amildar of Narsipur, dated 12th Visaka Bahula of Durmati year.

A48. A letter addressed to Shanbhogue Shamachar by Poornia, dated 12th Chytra Bahula of Durmati.

A49. A letter from Poornia to the Amildar, Narsipur, dated 12th Jeshta Bahula of Prabhava.

A50. Agreement of the servants of the Mutt, dated 10th Pushya Bahula of Sukla year.

A51. An account patti given to Shanbhogue Ananthachary from the Mutt on the 12th Palguna of Vikari year.

A52. A Nirupa from the Mutt to the Shanbhogue of the village Pandugal, dated 2nd Asweeja Sudda of Angeerasa.

A53. A petition to the Sheristadar of Hunugunda Taluk by Shamachar, dated 16th October 1879.

A54. A petition to H. H. the late Maharaja of Mysore by Satya Bodha Raya, dated 14th Bhadrapada Sudda of Vikriti year.

A55. A petition to H. H. the late Maharaja of Mysore by Satya Bodha Raya, dated 6th Sravana Sudda of Vikriti year.

A56. Docket from the Judical and Police Secretary of Mansheer No. 648.

A57. Order on the Application of Shamachar and another No. 147.

A58. Docket No. 105 dated 29th Rabiyal of Hijira 1290.

A59. Docket No. 105 dated 29th Rabiyal of Hijira No. 516.

A60. Yadast from the Mutt to the Deputy Talukdar Rayachur Jilla, dated 4th Sravana Sudda of Angeerasa year.

A61. Gift deed executed by the then Swamy to Madwachar and others, dated 4th Pushya Bahula of Prajotpatti year.

A62. An order from the Mutt to Shamachar dated 17th Bhadrapada Sudda of Swabhanu.

A63. Petition addressed to H. H. the Maharaja by Madwacharia, dated 15th Jeshta Bahula of Raktakshi year.

A64. Account patti given by the Mutt to Shamachar dated 14th Kartika Sudda of Swabhanu year.

A65. Letter to Shamachar by the Defendant in *Poorwasrama*, dated 5th Sravana Sudda.

A66. A Mahazir to H. H. the Naizam by the disciples of the Mutt dated 12th Bahula Ashada of Angeerasa year.

A67. A Karar executed by the Defendant in favour of Sreenivasachar and others dated Phalguna Bahula of the year Roudri.

A68. A statement showing the income and expenditure of the Mutt, dated 10th Asweeja Sudda of Sreemukha.

A69. A statement showing the net income prepared in the Mutt, dated 2nd Jeshta Sudda of Swabhanu year.

A70. Settlement of accounts prepared on 10th Asweeja Sudda of the year Sreemukha.

A71. Extracts from the Book.

A72. An accouni patti given by Ramachar to Lakshimi Kantachar, dated 6th Kartika Bahula of the year Durmati.

A73. An account patti, given by Ramachar to Lakshimi Kantachar, dated 6th Kartika Bahula of Durmati.

A74. Account patti given to Krishnachar by the Mutt, dated 10th Jeshta Sudda of Vyaya.

A75. Account patti given to Babannachar, dated 10th Jeshta Sudda of Vyaya.

Filed by the Defendant.—

Ext. i. Notice issued by Shamachar to the disciples of the Mutt, dated 12th Vysaka Sudda of the year Pramadi.

Ext. ii. Account patti given by Defendant to Ananthachar and another.

Ext. iii. A letter from the Defendant to Ramakrishnappa, dated 5th Sravana Sudda of the year Parthiva.

Ext. iv. A letter to R. Shamachar from the Mutt, dated 10th Bahula Bhadrapada of the year Bahudhanya.

Ext. v. A letter from the Mutt to the Shanbhogue and Patel of Kuthumpak, dated 30th Bhadrapada Bahula of the year Bahudhanya.

Ext. vi. Account patti given by the Mutt to Hanumanthachar, dated 12th Kartika Bahula of the year Viswavosu.

Ext. vii. Account patti given by the Mutt to Hanumunthachar, dated 6th Kartika Sudda of the year Kalayukti.

Ext. viii. Account patti given by the Mutt to Rajachar, dated 15th Asweeja Sudda of the year Sukla.

Ext. ix. Account patti given by the Mutt to Rajachar, dated 7th Sravana Bahula of the year Pramadi.

Ext. x. Account patti given by the Mutt to Sreenivasachar, dated 5th Magha Bahula of the year Paingala.

Ext xi. Account patti given by the Mutt to Sreenivasachar, dated 15th Margasira Sudda of the year Dundubhee.

Ext. xii. Account patti given by the Mutt to Sreenivasachar. dated Phalguna Bahula of the year Angeerasa,

Ext. xiii. Account patti given by the Mutt to Gundachar and another, dated 7th Kartika Sudda of Dhatu year.

Ext. xiv. Account patti given by the Mutt to Gundachar and another, dated 10th Vyshaka Bahula of the year Vrisha.

Ext. xv. Account patti given by the Mutt to Gundachar and another, dated 10th Vyshaka Bahula of the year Vrisha.

Ext. xvi. Account patti given by the Mutt to Gunachar and another, dated 7th Kartika Sudda of Dhatu.

Ext. xvii. Account patti given by the Mutt to Sreenivasachar dated 12th Chytra of Sidharti.

Ext. xviii. Account patti given by the Mutt to Sreenivasachar, dated 5th Magha Sudda of the year Paingala.

Ext. xix. Account patti from the Mutt to Sreenivasachar, dated 10th Margasira Sudda of the year Dundubhi.

Ext. xx. Account Patti from the Mutt to Sreenivasachar dated 9th Phalguna Bahula of the year Angeerasa.

Ext. xxi. Account patti from the Mutt to Sreenivasachar, dated 9th Phalguna of the year Angeerasa.

Ext. xxii. Account patti from the Mutt to Sreenivasachar, dated 1st Sravana Sudda of Paridhavi.

Ext. xxiii. Account patti from the Mutt to Sreenivasachar, dated 10th Chitra Sudda of Nala.

Ext. xxiv. An order from the Mutt to Sreenivasachar, dated 10th Asweeja Bahula of Rudhirodegari.

Ext. xxv. A power of attorney by the Mutt in favour of G. Bodharayachar, dated 1st Vysakha Bahula of Pramati.

Ext. xxvi. Account patti executed by Vysachar to Ramachar, dated 3rd Sravana Bahula of Chitrabhanu year.

Ext. xxvii. Account patti executed by Vysachar to Ramachar, dated 7th Margasira Bahula of Swabhanu year.

Ext. xxviii. Account patti executed by Vysachar to Ramachar, dated 1st Pushya Sudda of Tarana.

Ext. xxix. Account patti from the Mutt to Ramachar and another, dated 10th Magha Sudda of Parthiva.

Ext. xxx. Account patti from the Mutt to Ramachar, dated 13th Margasira Sudda of Vyaya year.

Ext. xxxi. Petition of Shamachar (Plaintiff) to the Collector of Dharwar.

Ext. xxxii. Petition of Shamachar (Plaintiff) to the Catchary of Mandalagi, dated 6th December 1887.

Ext. xxxiii. Deposition of Shamachar before a village officer.

Ext. xxxiv. Guttigi Chit from the Mutt to Venkannachar, dated 2nd Bhadrapada Bahula of Sreemuka.

Ext. xxxv. An order to Shamachar and others issued from the Talukdar Indore Jilla.

Ext. xxxvi. (*a*) Account patti from the Mutt to Venkannachar, dated 13th Margasira Bahula of Swabhanu year.

(*b*) Account patti from the Mutt to Venkannachar, dated 7th Kartika Sudda of Eswara.

Ext. xxxvii. Account patti from the Mutt to Venkannachar, dated 15th Chitra Sudda of Angeerasa.

Ext. xxxviii. A power of attorney from the Mutt in favour of Venkannachar dated 5th Kartika Sudda of Parthiva.

Ext. xxxix. An account patti to Venkannachar, dated 15th Margasira Sudda of Rakthakshi.

Ext. xl. An account patti to Venkannachar, dated 2nd Bhadrapada Sudda of Vikrama year.

Ext. xli. An account patti from the Mutt to Venkannachar, dated 15th Sravana Sudda of Vikrama.

Ext. xlii. Order issued from the Mutt to Venkannachar, dated 1st Margasira Bahula of Vikrama.

Ext. xliii. A letter from Bala to Venkannachar, dated 10th Maga Sudda of Bahudanya.

Ext. xliv. A Nirupa from the Mutt to the Shanbogue of Kallimpada, dated 10th Kartika Sudda of Bahudhanya.

Ext. xlv. A letter from Bala to Venkannachar, dated 4th Nija Sravana Sudda of Pramadi.

Ext. xlvi A Takid to Shamachar and others issued from Aval Taluq Cutchary, dated 15th Ramjam Hijira 1295.

Ext. xlvii. Order given to the Mutt by the Extra Assistant Commissioner, dated 15th November 1878.

Ext. xlviii. A petition from Poorushottam Vakil to Amildar of Indore Jilla, dated 20th Shaban 1295 Hijira.

(Signed) C. Sreenivasa Iyengar,

Sub-Judge.

In the Court of the Subordinate Judge at Mysore.

CIVIL ORIGINAL SUIT No. 760 OF 1888.

Plaintiffs.		*Defendant.*
1. Sreenivasa Char, Residing in Kaveripatna Krishnagiri Taluq. 2. Shama Char, Residing in Mysore; sons of Ananta Char, Shan- bouge of the Oottradhi- Mutt.	(Vs.)	His Holiness the Swamy and Gurn of the Oottradi Mutt for the time being known as ಶ್ರೀಸತ್ಯ ವೀರ ತೀರ್ಥ ಶ್ರೀ ಪಾದಂಗಳವರು in Camp in Bejapur District Bombay Presidency.

Plaintiffs beg to submit as follows :—

1. That the Plaintiffs' ancestors have been from time immemorial, or since nearly the 16th Century, as the papers in their possession shew, hereditary Shanbouges of the Mutt—known as the Oottradi Mutt, the head quarters of this being Holé Narsipur, in the Hassan District.

2. The hereditary nature and rights of such Shanbouges have been, at all times, recognized by the successive Swamies or Gurus and confirmed by the Sannads of Soverign authority from time to time.

3. The Plaintiffs succeeded to the office of the Shanbouge of the Mutt on the death of their father, which took place in Easvara up to when their father was Shanbogue.

4. That the Defendant became the Swamee or Guru in or about November 1885.

5. That the Gurus being Sanayasees, have only the right of the Management of the extensive properites, moveable and immoveable belonging to the Mutt, but cannot dispose of, or misuse, the said Mutt properites.

6. The Shanbogues as such, are the custodians of all Mutt records, accounts, valuable Jewels, ornaments and all things belonging to the Mutt, and are responsible to the public-disciples of the Mutt—for their safety, and have the right of preventing the alienation or misuse of the said properites by the Swamees or other persons. They are also required to do the following.

" ಮಠದ ಸಂಪ್ರದಾಯಾದಿಗಳು ವೆತ್ಯಾಸ ನಡೆಸದಂತೆಯು ಸಂಸ್ಥಾನ ಎರಡನೇ ವರಿಗೆ ಕೊಡುವ ಕಾಲದಲ್ಲಿ ಯೋಗ್ಯರಾದವರಿಗೆ ಕೊಡಿಸುವಂತೆಯು "

7. That annuities, emoluments, and perquisites are attached to the said Shanbouge's office, *viz*, the Shanbogues are entitled to 2½ per cent of the nett income derived by the Mutt on (ಗ್ರಾಮ ಭೂಮಿ ಮಠಾಧಿಕಾರ—ನರ್ಮಾಚನ)— Lands-Villages, Matadikara, Annuities &c. &c. The Plaintiffs, and before them, their ancestors have been discharging the duties and receiving such annuities &c. &c. up to about 3 years ago.

8. That the immediate predecessor of the Defendant known as Sree Sathya Veera Theertha Padongalavaru was at Madras, during his tour to the Southern Presidency, from

July 1884 to February 1885. The Plaitiffs also were with the Mutt doing their duties.

9. That during his stay there, the boxes &c. containing valuables, were placed in a certain room of the Mutt building, which was guarded by the armed servants of the Mutt. That in one of these boxes, were three gold "ambarees," used for keeping the image during the Dussera and other festive occasions.

10. That some time in the month of January 1885 these "ambarees" were stolen from the said boxes. All efforts to trace the property and detect the thieves on the part of the Mutt people proved ineffectual.

11. That two months after, or in the month of April 1885, on the Complaint of the Havildar of the Mutt the house of one Subbannachar at Holé Narsipur was searched late in the evening by the Police Inspector who brought from a dark room a bundle alleged to contain stolen property.

12. The Police charged Subbannachar, Shamachar, Nursimha Murtiachar with having received the stolen property, and placed them for trial before the 1st Class Magistrate of the Mysore District, in Criminal case No. 147 of 1886.

13. That while these proceedings were going on, the 1st Plaintiff was at Caveripatna, with the Guru's permission while the 2nd Plaintiff was with the Mutt in its tour doing his duties. The 2nd Plaintiff as desired by the Swamee, wrote to his brother 1st (Plaintiff) to proceed to Mysore and himself came to Mysore, to give evidence for the Prosecution in the said case.

14. The 1st and 2nd Plaintiffs arrived at Mysore some time about the 7th June 1885, and the case having been adjoruned from the 9th June (on which date the case was to come on) to 23rd July the two Plaintiffs were going by Rail from Mysore to join the Mutt at Koombakonum; when at Sreerungapatam, the 1st Plaintiff was arrested by the Police Inspector of Holè Narsipur Taluq, and kept in the Lock-up to take his trial along with the others originally implicated.

15. That afterwards when the case came on for hearing, the 2nd Plaintiff was examined as the Prosecution 10th witness, and after a lengthy enquiry, the case ended in the discharge of all the accused, including the 1st Plaintiff. (*Vdie Judgment herewith produced.*)

16. That on the 2nd August 1885, when the 2nd Plaintiff was at Chidumbram, he received a notice from the Mutt charging him *inter alia* of Breach of trust, Dishonesty and Sorcery &c. &c. and directing him and his people not to enter the Mutt—nay, even to be within a distance of 10 Miles from where it was, and stating that he had been removed from (*his office of a Shanbogue*) the Mutt.

17. This appears to have been done through the instigation of the relatives and sycophants of the Swamee, who bore enmity to the Plaintiffs as persons in their way of aggrandisement of the Mutt property.

18. That the Swamees have no right whatever to remove the Shonbogues whose office is hereditary as that of similar servants under the Government and that the Defendant's predecssor had no manner of reason or right for so removing the Plaintiffs, more especially behind the back of the Plaintiffs and without giving them an opportunity to explain themselves.

19. That on receiving that said notice (*Vide para* 16) the 2nd Plaintiff wrote a letter to the Guru denying the false charges imputed to him and asking His Holiness to permit his joining the appointment.

10 20. This and several other letters addressed to the Mutt remained unanswered, and several were returned through the Post office to the 2nd Plaintiff. They are produced herewith.

21. That afterwards finding that His Holiness was stubborn, the 2nd Plaintiff went to Hyderabad and other places and came to Mysore and engaged an advocate to urge and explain the Plaintiff's case to the Swamy.

22. That shortly after the 2nd Plaintiff came to Mysore, he heard of the demise of the late Swamy and the Defendants succession to the Mutt in November 1886. That although
20 the 2nd Plaintiff went to see the Defendant while in Kadakola in the Dharwar District he was refused audience with him and told to go away. The present Guru is related to the late, and is surrounded also by his relations.

23. That in the month of April or May of 1887, the Plaintiff's advocate went to Bankapoor, where the Defendant was then, for a day, and explaining the whole matter informed him that in the event of no orders being given, his clients will be compelled to take legal steps in the matter. His Holiness promised to come to the Mysore Province within two
30 or three months and settle the matter. This promise remains unfulfilled.

24. That not-with-standing all the Plaintiff's endeavours to have the matter settled, the Defendant has done nothing, being under the influence of his relations.

25. That by the wrongful and illegal removal of the Plaintiffs, they have suffered considerable damge by the Defendant withholding the amoluments &c. due to the Plaintiffs as Shanbogues of the Mutt. Hence the suit.

26. The Plaintiffs pray for a judgment:—

40 (*a*) Declaring that the Defendants are the hereditary Shanbogues of the Mutt and are entitled to hold the office as such.

(*b*) Directing the Defendants to reinstate the Plaintiffs in their office as Shanbogue.

(*c*) To pay Plaintiffs the sum of Rupses 4779—6—0 being the emoluments &ca due to the said Shanbogues for the past three years as particularised below, being $2\frac{1}{2}$ per cent of the income of the Mutt.

50 (*d*) To pay all the costs of the Suit.

(*e*) And to grant such other or any relief which the Court might deem fit.

27. The cause of action is the wrongful dismissal of the Plaintiffs and arose on, or about August 1885.

28. This Court has jurisdiction as the Head Quarters of the Defendant's Mutt is Holáy Narsipoor, Although the Swamy is continuously on the move, and also because valuable immoveable properties of the Mutt, in the proceeds of which, the Plaintiffs as Shanbogues get their per centage, are situated within the Mysore District. Further annual payment of Rupees 6000 is made to the Mutt from the Taluq treasury at Holày Narsipoor, of which also 2½ per cent is due to the Plaintiffs. Moreover the Defendant has his permanant dwelling at Holáy Narsipoor.

We, Sreenivasa Char and Shama Char, the Plaintiffs above named do hereby declare that what is stated in the above is true tr the best of our knowledge except as to matters of of information which they belive to be true.

MYSORE,
July 1887. } Plaintiffs.

MEMO SHEWING THE ANNUITIES AND PERQUSITES ATTACHED TO THE OFFICE OF SHANBOUGES FOR ONE YEAR.

(1) Percentage on the gross income and Revenue derived from Villages, lands, Mathadhikara, and on money payments made to the Mutt, @ 2½ per cent on about Rs. 45,00—0—0	1,105—0—0
(2) Provisions, Bàtta, amounting to nearly Rs.	504—0—0
(1) Ready cash payable for feeding ponies (grass &c.)...	67—0—0
(4) Approximate share of the income derived by the Mutt on account of ಮುದ್ರಾಧಾರಣೆ a year	100—0—0
(5) Do ... for ಪಾದಪ್ರಕ್ಷಾಳ್ಯ.	50—0—0
(6) *Vartane* amouts &c. for ಮಹಾನವಮಾರಾಧನೆ.	46—0—0
(7) *Vartane* due for Mahà Navami ...	2—14—0
(8) Do ... for Mahabhishéka ...	3—8—0
(9) Amount due to the Shanbogues on total disbursements made to Shudra menial servants called Dustoori	48—0—0
(10) Pay of the servant allowed to Shanbogue	60—0—0
(11) Annuities payable to Shanbogues ...	132—12—0
Total ...	2119—10—0
For 3 years ...	6358—14—0
Deduct Amount received up to July 1885 by the Sanbogues	1579—8—0
Total due ...	4779—6—0

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

O. S. No. 760 of 1888.

PRESENT,—C. SREENEVASA IYENGAR ESQ., *Judge.*

Plaintiff.	*vs.*	*Defendant.*
1. Sreenevasa Char.		Uttaradi Mutt.
2. Shama Char.		

20-9-88. Plaintiffs by Messrs Ananda Rao and Naraniengar and Defendant by Mr. Rajarow.

Plaintiff's Advocate asks the Court's permission to make a verbal alteration in the "description of defendant."

Mr. Rajarow consents.

Order, Permitted.

(Sd.) C. S.

Adjourned till the 10th proximo, at Mr. Rajarow's request.

(Sd.) C. S.

10-10-88. Parties as before adjourned till the 25th Instant as Mr. Raja Rao says his client came here only yesterday.

(Sd.) C. S.

25-10-88.

Parties as before.

Defence.—This Court has no jurisdiction, as the cause of action did not arise within its territorial limits and as the defendant does not reside within this district or Province. The bulk of the property of the Mutt is out side the Province. This suit is not cognizable by a Civil Court.

Plaintiff's claim is also barred by limitation.

Hole Narsipur is not the head quarters of the Mutt as alleged.

Mr. Rajarao reserves his further defence.

The preliminary issues are

1st Is the Suit cognizable by the Civil Courts ?

2nd Has this Court Jurisdiction ?

3rd Is the Suit in time or is it barred by limitation ?

Note.—Mr. Ananda Rao states that the 1st Plaintiff was in office until 2nd August 1885, when he was removed along with the 2nd Plaintiff.

Mr. Raja Rao states that the 1st plaintiff was out of office for a long time previous to the notice of August 1885. As regards 2nd plaintiff, the notice was a formal notice, but he was actually out of office for 10 or 12 months before the date thereof.

ORDER.

Adjourned till 13th December, for further hearing.

(Sd.) C. S.

25-10-88.

Altered to 7th February, at request of advocates.

(Sd.) C. S.

5-12-88.

7-2-89.

Plaintiff by Mr. Raghavachar for Mr. Ananda Rao and defendant by Mr. Raja Rao.

Some of the witnesses are absent. The commissions have not all been executed. Mr. Ananda Rão was obliged to leave for Madras on urgent private business. On these grounds an adjournment is asked for by plaintiff and is assented to by defendant's advocate. Witness batta for both sides should be paid by plaintiff.

Adjourned till the 22nd Proximo.

(Sd.) C. SREENEVASA IYENGAR,
Sub-Judge.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

PRESENT,—S. R. SUBARAYA IYER, ESQ. *Judge.*

O. S. No. 760 of 1888.

Plaintiff.	*Defendant.*
Sama Char.	Uttaradi Mutt.

22—3—89.

Plaintiffs by Messrs Ananda Rao and Narana Iyengar.

Defendant by Mr. Raja Rao.

R. Vijayendra Rao son of Rama Rao, 48, Chief Secretary to Government of Mysore sol : affirmed.

N. B.—Both the parties consent to the evidence of the witness being recorded in English.

Initialled S. R. S.

There are 3 principal Mutts for Madhva community besides those in Udapi and other places. I am a disciple of the Sosala otherwise called the Vasaraya Mutt. The Utharaee Mutt and Sumathêndarasamy Mutt are the other two Mutts referred to. The latter Mutt is also called the Nanjungode Mutt and the former the Narsipur Mutt. I mean the Holay Narsipur Mutt. I have seen the then Swamy of the Utharai Mutt 18 years ago but not any other Swamy's since. The Head Quarters of those Mutts are settled as for documents go. As a general rule, these Swamy's are continually on the move. Holay Narsipur is the Head Quarter of the Uttaraee Mutt and Sosale of the Sosale Mutt. In other places, there are buildings belonging to the Vyasaraya Mutt. So also do the Mutts at Nanjungud and Holay Narsipur own buildings, all over the country. There are buildings at other places also, partly for the sake of convenience and partly because the disciples wish to have Mutts in large important places. They were, as a general rule, built partly by contributions by disciples and partly from the contributions from the Mutt. Swamies do go about the country to acquire money, it is presumed for the benefit of the Mutt. I have known Swamies remaining on tour frequently for more than 3 or 4 years at a time. It is a portion of their duty to travel about the country for Muthrathavae &c. The Nanjangud and Sosale Mutts own properties in the British Territories also. I have been in this province for nearly 22 years past. I know the 2nd plaintiff. He was the Shanbogue of the Utharadi Mutt. About 2 or 3 years ago, I had been to Cuddalore when I saw the Swamy going from one house to another in procession. I had no personal interview with him and did not pay my respects to him. A—rayasa—was addreesed and delivered to me by the Swamy. I believe it was brought to me by the 2nd plaintiff and some other. It is the usual habit of the Swamy to issue —rayasa—to persons residing at the place which he may visit. 2nd plaintiff was in the Mutt when I was in Cuddalore, for it was he that brought me the rayasa. There are also Shanbogues attached to the other 2 Mutts. If the 2nd plaintiff had been

dismissed, it is not likely that the—rayasa—would have been sent by him, as there was a bitter quarrel between him and the Swamy. I was for a time in the Hassan District. I have not seen Holay Narasipur while there.

Cross examined:—Before coming to Mysore, the only Mutt that I was acquainted with was the Sosale Mutt. I knew nothing about the other 2 Mutts. Out of Mysore, I do not know by what names these institutions are known. I know the Utharadi Mutt both as the Utharadi Mutt and the Narasipur Mutt but by what name it is better known outside Mysore, I cannot say. I know the Utharadi Mutt very well. It simply means the Mutt in the North. The Head Quarter of the Mutt is Narasipur and so it is known by the name of the Narasipur Mutt. I say that Holay Narasipur is the Head Quarter of the Mutt, from what I have seen in the several documents connected with the Mutt and several other papers. The Inam Register of the Madras Presidency will, I think, show that Narasipur is the Head Quarter of the Mutt. Exhibit A is the Inam Register referred to by me. His Highness the late Maharajah fixed Holay Narasipur as the Head Quarters of the Mutt. I believe that if the Swamy does not live in Narasipur, he will probably lose all what is given to him by the Mysore Raj. I cannot say that Narsipur is the Head Quarter of the Mutt with respect to the properties in the Mysore province alone. The order of His Highness the Maharaja was that he should stop at Narsipur and do pooja. I don't remember what the Canarese word used in the order was, corresponding to the English word Head Quarters. The Swamy has been absent from Holay Narsipur for the past 17 or 18 years. Notwith standing his absence, payments have been and much to him by the Mysore Government. Occasionally they were stopped but after receiving apologies and solicitation from the Swamy the Government continued them. I cannot say either the bulk of the properties belonging to the Mutt is in Mysore or out side of it. I don't know if the 2nd plaintiff has been waiting upon the Swamy after he was dismissed in anticipation of being reinstated. He told me he was waiting upon the Guru to reconsider his order. I cannot say who desired the 2 plaintiffs and the other man that accompanied him to deliver the rayasa to me. I cannot say whether the 2 plaintiffs was then in office or out of the office and whether he was or was not waiting upon the Guru for a reconsideration of his order. I did not go and see the Swamy after receiving the rayasa.

Re-examined.—Exhibit B and C bear the signature of His late Highness the Maharaja.

(Signed) R. VIJAYANDRAO.

Read over to witness in English and acknowledged by him to be correct.

(Signed) C. SUBBAROY IYER,
Offg. Sub-Judge.

22—3—89.

Plaintiff's 2nd witness T. Ananda Row son of Rajah Sir T. Madhava Row 38. Deputy Commissioner of Mysore, solemnly affirmed.—N. B. with the consent of both the parties the evidence of witness will be recorded in English.

Initialled S. R. S. Sub Judge.

There are 3 important Mutts belonging to Madhava community. There is one at Nanjungood. It is called Raghavandra Swamy Mutt. I have heard it also called the Nanjungood Mutt. There is a Mutt at Sosale, called the Sosale or the Vyasaraye Mutt. I don't think I belong to either of these Mutts. The other Mutt is at Holay Narsipur it is called the Narsipur Mutt or Utharadi Mutt. Nanjungood and Sosalay are respectively the Head quarters of the first two named Mutts and Holay Narsipur of the remaining Mutt. Holay Narsipur is in the Hassan District. I was for a short period the Deputy Commissioner of Hassan District. I was for about a year the Deputy Commissioners of Hassan and before that, I was Sub-divisional officer for about 3 or 3½ years. As Deputy Commissioner I visited Hole Nursipur. A large sum of money is paid to the Mutt there monthly by Government. I have seen the Mutt. I don't think I had any occasion to investigate the question as to which was the Head Quarters of the Mutt, but I recollect that there was a complaint that the priest had so long been away from his Head Quarters.

Cross Examined.—I cannot say exactly whether or not I heard those institutions known by the names of the Narsipur, Nanjangude and Sosale Mutts, out side Mysore. I cannot say whether the Mutt is called the Narsipur Mutt because of Narsipur being its Head Quarters. I visited Mutt building but the Swamy was not there. The complaint referred to was received by me in the course of official business and it is quite possible that the words Head Quarters were used in it. I knew that the Mutt owns landed properties &c. in Mysore. I don't know if there are Mutt buildings in large places in the Madras Precidency.

Re-examined.—I don't know whether there are any buildings belonging to the Uttaradi Mutt elsewhere in the Mysore Province. I am a disciple of this Mutt.

By Court.—I found reasons to accept so for the allegation that Holey Narsipur was the Head Quarters of the Mutt as to insist upon a fair proportion of the Mutt allowances being spent there for the benifit of the community and with this view had a Sanskrit School opened.

By defendants Advocate:—

The question whether Narsipur was head quarters of the Swamy or not was not directly in issue before me, when I disposed of the complaint. The complaint was made by a Section of the Madhwa community. I believe there was a faction among the Madhwa community there. By Head Quarters, I meant that it is the permanent

place of residence of the priest. That is the meaning I attached to the word Head Quarters. I cannot say how I arrived at the conclusion that Narsipur is the Head Quarters of the Mutt but that is the impression acquired by me in the course of the enquiries made by me, and by the acceptance by the Mutt authorities of my order requiring them to spend a good portion of the allowance granted by the Government at Narispur. I have not seen the Sunnud given by His Highness the late Maharaja In pursuance of the principle that the allowance granted by the Mysore Government should to a considerable extent be utilised for the benefit of the Mysore subjects, I passed the order referred to above. I am not sure whether there was a Government order on the subject, but the principle is one which every Government Officer should in my opinion observe, I know there was correspondence regarding the subject matter of the complaint between the District Office and the Mutt, but the question of Head Quarters was not directly in issue, as I said above. I believe the Nanjungode and the Sosale Mutts spend a portion of their allowance on public institutions. The priests of these Mutts themselves impart instruction. My order about opening the Sanskrit School was duly communicated to the agent of the Mutt. I saw the agent frequently at Hassan and at Narasipur and the priest had on one occasion sent a special representation to me on business and I spoke to him also about it. I may or may not recognice the man if I see him now. No one demurred to my order to open the Sankrit School but on the other hand, it was carried out.

(Signed) T. ANANDA ROW.

Read over to the witness and acknowledged by him to be correct.

(Signed) S. R. SUBBARAYA IYER,
22—3—89. *Sub-Judge.*

Some of the witnesses are absent and Commissions issued for the examination of witnesses have not been returned.

Both the Advocates apply for a clear date so that the evidence on both the sides may be concluded. Adjourned accordingly to the 14th June, (Initialled).

S. R. S.
Sub-Judge.

BEFORE THE COURT OF THE SUB-JUDGE AT MYSORE.

O. S. No. 760 of 1888.

Plaintiff.	*vs.*	*Defendant.*
Shama Char.		Vootharadi Mutt.

Parties as before.

14—6—89.

Plaintiff's 3rd witness, Purushothamachar, on solemn affirmation.—I am the agent of the defendant's Mutt. I was agent for 4 years. This was 7 or 8 years ago. Now again, I have been agent for 2 years past. I produce the power of Attorney given me on the first occasion. I see D. This is it. It begins with giving the names of the Mutt and Swami and the seat of the Mutt. By Narasipur is meant Hole Narasipoor. The Swami was at Gadag of the Bombay Presidency when D. was executed. I have seen one or two other powers of Attorney. In them too, the seat of Mutt is put down as in D. By seat (ನೆಲೆ) is meant "place of abode." I have not seen any paper wherein the "Stala" has been put down as any other place. Exhibit E is another power of Attorney executed by the Mutt. It was executed in the Belgaum District. F. G. and H. are also Moktearnamás executed by the Mutt. I subscribe myself "Korlahalli Purushothamachari." I see exhibit J. The signature shown me looks like mine. I don't remember whether it is really mine or not. I know the Raghavendraswami Mutt and the Vyasaraya Swami Mutt. They are also called Nunjungood Mutt and Sosale Mutt. Also Chendrikarchar's Mutt and Rayara Mutt. The principal seats of these Mutts are Nanjangode and Sosale. Our Mutt is called Utradi Mutt and Satyabhodha Mutt. In this country they call it Narasipoorada Mutt. It has no principal seat any where. The Nunjungoode and Sosale Mutts have Mutt buildings in other places also. Our Mutt too has houses in many places. At Sosale and Nunjungoode, the Mutts have accounts and Treasuries. Our Mutt however has had no accounts or Treasury at Narasipoor for the last 30 years. The accounts and Treasury follow the Mutt during its tours. But the case with other Mutts is different. There is a library in the Mutt building at Narasipoor. A portion goes with the Mutt. The library has always been located at Hole Narasipur. There are grazing lands and Tamarind tope attached to the Mutt to Hole Narasipoor. Also—Soppintota and—Tolsi—All these are Inam lands. I have known the Mutt affairs intimately for the last 7 years. I am not aware of a Nibandhana (decision) by H. H. the late Maharajah that Hole Narasipoor was the principal seat of the Mutt. I have been a resident of Mysore for 10 or 15 years past. I don't know there that were a gold Mantap and diamond Sampushta in the Narasipoor building until 14 or 15 years ago. Nor of the loss thereof by theft. The persent Swami is my paternal uncle's son. The mutt has no seat any where. Wherever the Swami may happen to be, that is the seat, In different parts of India, our Mutt owns lands.

Cross-examined.—There is more property in the Madras Presidency than in the Mysore Province. There are grazing lands, gardens, &c., in other places also. It is now 26 or 27 years since the Swami left Narasipoor. There were disputes between Plaintiff and the Mutt in the Hyderabad Province. The matter went to the Sirkar. The Vyasrrai Mutt is called Sosale Mutt because the seat thereof is Sosale. Exhibit I is also a Moktiarnama executed by our Mutt. Because there is a Mutt at Narasipoor, therefore the—Stala—put down at Narasipur is. The largest Mutt building is that at Narasipur. In other places, the houses are smaller ones.

Re-examined.—I have not seen landed properties situate outside this Province. Accounts show them. I know nothing about the disputes above referred to. The annual yield of lands in the Madras Presidency is about 10 or 14 thousand rupees, and that in Mysere is 8 or 9 thousand rupees. The Mutt is paid a grant of 6,000 rupees a year by the Mysore Government. The payment is made at Narsipoor. This is included in the said 9,000 rupees. There are Mutt buildings at Mysore and Sreerungapatam and other places. I have seen no paper in which those places or Hyderabad or any other place, mentioned as the—Stala—of the mutt.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.

14—6—89.

Defendant's 1st witness Anniachar on Solemn affirmation. —I am employed as worshipper in the Utraji Mutt at Seringapatam. I last saw the Swami at Narasipur in the year Rowdri last. In Raktakshi he paid a visit to Narasipur. The treasure and accounts may be with the Swami himself but I know nothing about it. Nor do I know whether the Mutt has a head quarters.

Cross-examined.—Nil.

Defendant's 2nd witness Anegundi Sreenevasa Row on Solemn affirmation.—The Swame left Narasipur 30 or 35 years ago. He has since ceased to live there. He has only paid two visits since then. The last visit was paid some 25 or 28 years ago. I have never been to the Madras Presidency. The accounts and treasure may be with the Swami himself. I don't know whether the Swami has a head quarters.

Cross-examined.—I don't know whether the Mutt is called Naraseepurada Mutt. Some people do call it so.

Mr. Raja Row has no other witnesses.

Adjourned till the 22nd Instant for argument.

(Signed) C. SREENEVASIENGAR,
Judge.

14-6-89.

Plaintiff by Messrs. Ananda Row and Narana Iyengar and defendant by Mr. Raja Row.

Heard arguments.

Adjourned till Monday the 24th instant for orders.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
22—6—89.

24—6—89.

ORDER.

At the request of the advocates on both sides, the question of limitation was reserved for future adjudication.

2. The parties adduced some evidence bearing on the question of jurisdiction. The advocates argued this point on the 22nd instant.

3. But the question raised by the 1st issue, namely, whether Civil Courts can take cognizance of the suit was not argued. I wish to know whether the Defendant's Advocate has abandoned this objection. If not, I wish to hear him and the plaintiff's Advocate, before passing orders. This point will be argued to-morrow (25th instant).

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
24—6—89.

25—6—89.

Parties as before.

Heard arguments.

Orders to-morrow.

ORDER. (Inld.) C. S.

The evidene adduced in this case, both oral and documentary, proves to my satisfaction that the head quarters of the defendant's Mutt is Holay Narasipoor and that this Court has jurisdiction. My reasons for this conclusion will be given in *extense* in my final judgment.

The objection that the suit is not cognizable by the Civil Courts was not seriously pressed by the defendant's Advocate.

The question of the limitation will have to be dealt with along with the merits of the case.

The defendant will therefore be called upon to state his defence on merits or to file a written statement.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
26—6—89.

26—6—89.

Parties as before.

Adjourned at Mr. Raja Row's request till the 4th proximo.

(Inld.) C. S.

4—7—89.

Parties as before.

Mr. Raja Row represents that his clients agent has not yet come.

Adjourned till the 8th instant.

(Inld.) C. S.

8—7—89.

Parties as before.

Defendant's Advocate contends that the plaintiff cannot sue in this Court for profits realised outside the Province and that

the value of the claim in respect of profits realised in this Province being less than 1,000 rupees, the suit would be in the Munsiff's Court and not in this Court.

Plaintiff's Advocate admits that the revenue of which plaintiff's claim a percentage is all the income derived by the Mutt both in and outside the Province.

The defendant files a written statement.

The issues are :—

1st. Is the suit resjudicata?

2nd. Whether the plaintiffs are the hereditory shanbhogs of the Mutt with all or any of rights and privileges in the plaint mentioned?

3rd. Whether the defendant had a right to remove them from office.

4th. Whether the removal was improper and unjustifiable or was made on good and sufficient grounds?

5th. Whether the plaintiff's are entitled to the percentage claimed by them on the nett income of the village derived from all sources.?

6th. Whether the several items in suit are corret, and whether plaintiff's are entitled to recover all or any of them?

7th. Wheter they are entitled to the declaration sought, and to be reinstated in the office of Shanbhog or whether by their conduct subsequent to removal they have, so conducted themselves as to disentitle them to these reliefs?

8th. Whether this Court can take cognizance of the income derived outside its jurisdiction, and if it cannot is the suit cognizable by this Court?

9th. To what relief if any are plaintiff's are entitled?

(Signed) C. SREENEVASSIENGAR,
Sub-Judge.

8—7—89.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

O. S. No. 760 of 1888.

Plaintiffs—Shamachar and another.

vs.

Defendant—Sriswamy of the Otraddy Mutt.

The written statement of the defendant :—

(1.) The plaintiff's claim is barred by rejudicata by reason of the decision in No. of the Court of the 1st Taluqdar of Indore Nizam's Territories.

(2.) The Shanbogue's appointment is not a hereditary one and the Shanbogue is only an ordinary servant removable at the will and pleasure of the guru and he has no interest in or control over the Mutt properties and the Plaintiff's right as alleged in para 6 of the plaint is denied.

(3.) The Plaintiffs are not entitled to any percentage on the income of the Mutt of whatever nature or to the several items of anuities and perquisites detailed in the plaint schedule. The amount specified in the said schedule against each of the items is

excessive and these anuities and perquities are only payable to the person who performs the duties of the Shanbogue and no one has any special claim or hereditory right to them.

(4.) The income of the mutt per year after defraying the expenses amounts to Rs. 24000.

(5.) The Mutt Shanbogue does not get any percentage on the income of whatever nature derived from the Mysore Province.

(6.) The Plaintiffs were dismissed for their fradulent dishonest and disrespectful conduct towards the Mutt and the late Guru Sree Sathya Veeraswamy after a full investigation in the matter.

(7.) That the conduct of the Plaintiffs towards his Holiness Sathya Dheera Swamy the present Guru of the Mutt is also such that His Holiness cannot keep them in the Mutt service any longer.

(8.) The amount under item No. 11 in the schedule is not due to Plaintiffs. It was only a charitable payment and the Plaintiffs have no right to it.

(9.) The item No. 9, is not enforceable and is not due to the Plaintiff's.

(Signed) in Maharashtra.

DECLARATION.

I the defendant above named do hereby declare that what is stated above is true to the best of my information and belief.

(Signed) in Mahrashtra,
Agent of the Defendant.

8—7—89.
MYSORE.

Plaintiff's 4th witness, Hanamantha Row, solemnly affirmed. —I am a desciple of the Vyasarai Mutt. I know the Utraje Mutt. The stala or seat thereof is Hole Narasipore. This I have heard and seen for a long time past. Sosale is the seat of our Mutt.

Cross-examined.—For 30 years past, the Swami has not come to Narsipore. I heard that that was the head quarters of the Mutt. I don't know by what name the Mutt goes outside this province.

Plaintiff's 5th witness, Krishna Row, on solemn affirmation. —My grand father Ramajipant was Munushi in the Palace under His Highness the late Maharajah. I know his handwriting. I have seen books and papers in his handwriting. He died about 50 years ago. I was then a mere child. I see K and L. They appear to be in my grand-father's handwriting. They bear the signature of His late Highness. I can identify it. I have been employed in the Palace for 25 years past. My uncle Annaji Rao died 30 years ago. He was also in the Palace. I have seen him write and can identify his handwriting. I see M. It looks like his handwriting. It bears the late Maharaja's signature.

Cross-examined.—Even now I read books in my grandfather's handwriting. He has written several books. My father and uncle told me of the same. The books are still in my house and I read them every day almost.

Plaintiff's 6th witness, Soobramanappa, on solemn affirmation.—My father was a Bakshi in the Palace. He died 20 years ago. I have been employed in the Palace for thirty five years past. I know my father's handwriting. I see N. It was written by my father. I recognize the late Maharajah's signature under it. B. and C. are also in my father's handwriting and bear the Maharajah's signature. So also Exhibit O.

Cross-examined.—Nil.

Plaintiff's 7th witness Nunjunda Bhutt, on solemn affiirmation.—I know the defendant Mutt. The stala or seat thereof is Hole Narasipore. I have long known this. My ancestors were also saying so. There is a guard at the Mutt. The library is in the building. There are cattle there. I am told that jewls were taken away 5 or 6 years ago. In front of the Mutt, there is a building called the Halay Mutt. The accommodation being insufficient, the present, building was caused to be built by Dewan Purniah. Servants of the Mutt live in the range of houses opposite to the Mutt. Until 8 or 9 years ago, I know the jewels were all in the building at Narasipore. They were then reported to have been stolen away.

Cross-examined.—I have often been into the Mutt. I saw the jewels 10 or 18 years ags. The Swami was then staying at Narasipore. It is now 20 years since the the Swami left Narasipure. The theft occured subsequently. I did not see the jewels after the Swami left. The library is now quite as full as during the Swamy's stay at Narasipore.

Plaintiff's 8th witness, Sreenivasa Murthiyachar, on solemn affirmation.—The stala or seat of defendant Mutt is Holay Narasipore. This I learnt from my ancestors. There are two buildings there, one old and the other new. For some time, I lived in the old building. I then received takeed P. from the Swami from Madras.

Cross-examined.—It is now 16 years since I removed to Narasipore from Yalandoor. I hear the plaintiff has been excommunicated by the Mutt. I am on visiting terms with plaintiff. A year ago I was also expelled from caste by the Mutt faction. There is devaru in the Narasipur Mutt. Pooja is performed there. During the Navarathra Pooja is done to the library and devaru and Bramins are fed. In other places, unless there is Brindavanum, no pooja or feeding takes place. At Sreerangapatam there is Mutt but no brindavanum. Feeding does take place there. At Seringam pooja takes place but not feeding. Even in places outside this province, this Mutt is called the Narsipore Mutt. I have not been to Savanoor.

Re-examined.—At Sreerangapatna, there is Ramadevaru and therefore people are fed.

Plaintiff's 9th witness, Soobramanyachar, on Solemn affirmation.—Until 2 or 3 years ago. I was parpattegar of defendant Mutt. An Inam was given to my ancestors in a village belonging to the Mutt. Q is the Nirup with reference thereto.

Cross-examined.—I was not removed, when a theft took place in the Mutt. I was removed about the end of that year.

(Signed) C. SREENEVASSIENGAR,
Sub-Judge.

O. S. No. 760 *of* 1888.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

PRESENT,—C. SREENEVASSIENGAR, ESQ, *Judge.*

Plaintiff	*vs.*	*Defendant.*
Shamachar, &c.		Uttaradi Mutt.

17—10—89.

Plaintiffs by Messrs. A. Ananda Rao and Naraniengar and defendant by Mr. Raja Rao.

Plaintiff's 10th witness, Goondachari, on solemn affirmation.—I had taken the villages attached to the Mutt on gootta. Formerly my father was the Guttedar. I now hold the villages on gutta. For some time we held the villages of Mydegiri Bommadhalli of the Belur Tauk. I now hold Banasetti Halli of the Hole Narsipur Taluk. I know the 3rd plaintiff. He was the Shanbhogue of the Mutt. I also knew his elder brother Sreenevasachar. The Shanbhogi office was a single one. Either of them used to do the duties of shanbhogue. They have long been doing so. I have personally known this for 20 years past. I don't know if there is any Mirasi payable to the Shanbohgue. Like all servants, he is given one meal in the Mutt. Grain dole is given in lieu of the other meal. I don't remember ever settling plaintiffs claim for Vartane. I see exhibit V. It is a Samajaish Patti. The whole of it looks like my handwriting and so does the signature. I don't remember the settlement it relates to. The "Mawiya" refered to in it is 3rd plaintiff's maternal uncle. 3rd plaintiff had taken a lease of all sources of Mutt income, for 24,000 Rs. a year. I hold one village on gutta. I was to pay 600 Rs. a year to the Mutt. V refers to 7 years Vartane at 30 Rupees a year. It is not the guttige money. I don't know what was meant by vartane. I cannot remember what it refers to. My father held the post of wastroda woograna in the Mutt. He was one of the 63 sevavrittegalu. I also held that post. That post had no vartane attached to it. Desciples used to make presents to the holder thereof. I don't know whether the Shanbhogue's pony used to be fed by the Mutt. The shanbhogue used to get no share of Mudradharane fees. Only Dwarapallakas used to get shares therein. Also the Mutt Dewan and several others but not the shanbhogue. I don't know who plaintiff's predecessor was. My father's name was Alankarada Srinevasachar. The signature under W is my father's. My signature too seems to be under it but I don't think it is really mine. I don't remember having signed it. I see X. I

am not sure that the signature under it is my father's because it differs from the signature under W. I am in charge of Mattadhikara at Yedatore. I also look after the Mutt at Narsipur. I was not ex-communicated along with plaintiff's. Nor have I since been restored to caste. The Swami is now in the Nizam's Dominions. We have written for the accounts and papers referred to in the process served on plaintiff's advocate. We have not yet received them. I came from the Mutt Camp 15 days ago and afterwards wrote for the papers.

Cross-examined.—The Shanbhogi office does not stand in any body's name in particular. Rayasa Krishnachar was doing duty for some time.

Re-examined.—He is plaintiff's brother but adopted into another family. Padmanabhachar was doing duty for 2 or 3 months. Venketramanachar officiated for about 4 months. One Bheemasenachar did duty for a year. At all other times 20 years to my knowledge for. Plaintiffs were doing the duties of shanbhogue.

Note.—I am asked to note the fact that this witness is instructing plaintiffs' advocate.

(Initialled) C. S.

Plaintiff's 11th witness Govindachari on solemn affirmation. —I live at Bangalore and am 70 years old. I am a desciple of the Ootradi Mutt. I know 3rd plaintiff. I also knew his brother. The 3rd plaintiff's father was Shanbogue. Ananthachar. These were Shanbohgs of the said Mutt. For 50 years past I have known plaintiff's and their fathers doing the duties of Shanbogue. During defendant's predecessor Satya Veera thirtha Swamis time, I had been to Hyderabad. This was some 6 or 7 years ago. After that I paid several visits for Mahasamaradhanê. I have not been there since defendant's installation 2 or 3 years ago. Defendant's predecessor was in Madras some 4 years ago. Mahasamaradhanê then took place. I went there for it. 3rd Plaintiff and his brother and Sreenevasachar were doing the duties of shanbogue. On all those occasions. I staid in Madras for more than a year. This office was in plaintiff's family for several generations. I don't know the number of Sevavritte Servants employed in the Mutt. Y bears my signature. It was a petetion sent to Sir Salar Jung by a large number of my caste people. Z was a power of Attorney given by me and others to Lakshamikantachar Plaintiffs ceased to be in the Mutt a month or two before Mahasamaradhane which took place at Combakonam about 4 years age.

Cross-Examined.—They were in the Mutt when I went to Madras. When I went to Combakonam I did not see them there. On enquiry I learnt that the Swami had removed them. The removal must have taken place after the Madras Samaradhane. How long after I don't know, I don't remember the year in which the Madras Samaradhane took place. I heard

of the theft of Ambari some 15 or 20 days after I returned from Madras. I don't know the conditions upon which the plainiiffs' family held the office of shanbhogue. Or what the family get as remuneration. Bheemasinachar was not doing the duties of shanbhogue. He was in charge of treasury. This he did for some 4 or 5 years before defendant's installation. The shanbog used to remain in charge of jewels, mantap and cloths but I am not aware of his having ever held charge of the treasury. Guru Krishnachar was plaintiff's man and used to help plaintiffs in fitting up the mantap and decorating the idol. I know that 3rd plaintiff's father was performing the duties of shanbhog. I am not aware of his having lost the post for some time. Nor do I know that 3rd plaintiff had lost it for some time. Y was written at Bangalore. 3rd plaintiff was then either at Bangalore or at Mysore. Respectable people told me that Mutt affairs were being mismanaged and that I should sign Y. I therefore signed it 3rd plaintiff made no request to me. I don't remember by whom Z was brought to me for signature.

Re-examined.—Nil.

Plaintiff's 12th witness, Ramachar, on solemn affirmation.—I live at Bangalore and am a desciple of this Mutt. I have known Shanbhogue Shamachar (3rd plaintiff) for 30 or 40 years past. I don't remember his father well. I knew his cousin Sreenevasachar (1st and 2nd plaintiff's father). These were the Shanbhog's of the Mutt. I know that for forty years they were holding this office in the Mutt. My impression is that there are not removable at the Swamy's pleasure. In the time of defendant's predecessor, I had been to Hyderabad, Madras, and Coombaconam. I had been to Madras only once and this was 5 or 6 years ago. In the next year, I mean in the one after the next year, I had been to Madras. On each of these occasions I was with the Mutt for about a month. 2nd plaintiff was managing all the business of the Mutt including the duties of shanbog on those occasions. For the next year's samaradhane the Swami went to Coombaconum. I went there for it but did not find plaintiff in the Mutt. During the said 40 years, I might have paid some ten visits to the Mutt. This I did during the time of several guru's. On all those occasions I found 3rd Plaintiff performing the duties of shanbhog. Z bears my signature. I remember the petition sent up to the Nizam Sircar. I don't remember whether I signed it or not.

Cross-examined.—At Coombaconum I did not ask defendant's predecessor where plaintiff's were. When I went to Madras for Mahasamadharni the theft of ambari had alreadly taken place. The Smami was then getting another made. The 3rd plaintiff was then in Madras. He got me some presents. No body had been suspected of the theft or removed on that account. I don't know how many months previously the theft had occurred. During the said 40 years, I never saw any body else doing the duties of Shanbogue. Bheemaseenachar is now the Shanbogue. I did

not see him doing duty as Shanbogue as long as plaintiffs were in the Mutt. I don't know Kinnalu Venketramana Char. I don't know the terms and conditions upon which plantiff's family held the office of Shanbogue. Setu Rao and others must have got Y written. They sent for me and told me of the contents of the power of attorney and petition. The 3rd plaintiff was then present. I don't remember whether he was then present or not. He was moving between Bangalore and Narsipur and others. As the Narsipur people came and made a representation we believed the complaint and sent up the petition.

Re-examined.—Nil.

Plaintiff's 13th witness, Sattyadhi Rajachar, on solemn affirmation.—I am a desciple of the Ottradi Mutt and live at Bangalore and Devendahalli. I had taken a lease of Mutt villages and was in charge of Mattadhikara. My son has been doing these things for the last 4 years. I know 3rd plaintiff and also knew his father and Sreenivasachar. These were shanbogues of the Mutt. They were such since I attained my years of discretion. I am now 60 years old. Anantachar and Subbannachar were brothers. The latter's son was Sreenivasachar and the former's son is 3rd plaintiff. I saw all these four do the duties of Shanbogue. The grand father of 3rd plaintiff was Shama Char. I hear he was also Shanbogue but I have no personal knowledge of it. It was when Sreenevasa Char was Shanbogue that I entered upon the management of the Mutt villages. Until 4 or 5 years ago I was paying vartane to the Shanbhogue. Defendant's predecessor Sattya Veera Swami then told me not to pay vartane as he had removed plaintiff's from office. He wrote to me a letter about it but it is missing. Out of the total gutta payable to the Mutt, 5 per cent. used to be set apart for payment to the Shanbogue and Rayasadavaru. In the Mutt there are 2 dafteraras one being the Shanbogue and the other Rayasadavaru. They are both haqdars each being entitled to one half of the said five per cent. I used to pay 2½ per cent to plaintiffs and the other 2½ to the Rayasadavaru. I used to send the balance to the Mutt. I used to make this payment as directed by the Swami but I don't know why and how this arrangement was made. The Swami signs either by a Sreekar or by writing his name in full. There is also a seal in the Mutt. A bears the seal of the Mutt and the "Sree" signature of defendant's predecessor in two places. The other signature "cha" (meaning ——) is also the Swamys own (Note Mr. Raja Rao after consulting the person instructing him says the seal is true but the signatures are doubtful. Cannot admit or deny this paper) I see A2 the seal on it is Satia Sankalpa Swamy's. He was one of defenendant's predecessors. He died some 40 years ago. The signature "Cha ' (Chapushuna or ——) may be in his own handwriting but I don't know this personally. I see A3. The seal on it is also

his. The signature may likewise be his own but I cannot swear that it is so. Papers bearing such seal and signature were with me but I lost them at a theft which occurred in Gutti 8 or 10 years ago. A4 was executed by Satteayishta Swami. He was defendant's 4th predecessor in office. The seal and signature are his. I was not actually present when it was signed and sealed. I was seated outside. Some body brought the paper and got me to attest it. The Taluqdar came. There was some litigation. Ultimately this Nibandhana was entered into the said Swami had his Guru's Son for his Dewan. The latter mismanaged the affairs of the Mutt. Hence the complaint which led to the execution of A 4. Ordinarily each Swami takes his own Son for his Dewan. Some papers are signed by the Dewan under the signature of the Swami. I know the Sons of Sattay Parakrama Swami and Sattay Parayana Swami. I know their hand writing. A 5 bears the Signature of the latter's son at the top "Yite Char" at bottom is also in his hand. A 6 similary bears the Signature of the former's Son. A 7 bears the Mutt seal. The Signature may be the Swamy's but I cannot swear to that effect. The letter "Sree" at the top of papers is written by the Swami and the Seal affixed by the Dewan. I recollect Satea Parakrama Swami asking me to get 3rd plaintiff and 1st and 2nd plaintiff's father a loan, I recollect getting them a loan from my brother-in-law Krishnamachar. I see A8. It was addressed to Krishnamachar by the Swami. 3rd plaintiff Sreenivasayachar brought it to us. I told Krishnamachar that he might lend. So he lent them some money. A9 is the document executed to Krishnamachar. It bears my attestation and so does the endorsment under it.

Cross-examined.—I never saw Satea Sankalpa Swami write. But I used to see his hand writing very often. I have got such papers in my village. My cousins are in possession of such papers but not I. No Mutt papers are now in my possessions. I last saw Satea Sankelpa writing a year or two ago. I then saw a deed of gift executed to my grand-father. It is usual with us to shew to each new Swami all papers executed by his predecessors. I then saw 2 or 3 such papers. Having seen Satea Sankatpa's writing every time that a new Swami was installed, I am able to identify his signature now. I have seen all his successors sign papers in my presence. I can't state the number of times that I saw them do so. I don't know in whose handwriting A1 is. I was not present when it was written. There is no rule as to what papers should be signed by Sreekar with a Chapushpa and what not. As a rule orders and Patties are signed by a Sreekar. Documents, Rayasas and powers of attorney are signed by the Swamy's full name. The Sreekar and Chapushpa are written by the Swami himself. I have seen papers bearing the same seal as that on A2. But I have no such papers in my possession

now. I saw such seal 4 or 8 years ago. A2 may be in the handwritiug of Shanbhogue Subbanna Char. He has not signed this paper. I have often seen papers in his handwriting. I don't know whether the Chapushwa under A2' looks suspicious or not. I was not present when it was written. Until Satea Sankalpar's time there was no Shoyi Mohur. Since his death, his successors have had it. I don't think they had a wax seal. The seal on A3 is the same as that on A3? A3 may also be in Subbanna Char's handwriting. He and Ananta Char and other members of their family used to write very much alike. The difference is very slight. I was not present when A3 was written. A4 was written at Atkoor of the Raichore Taluq. Atkoor is our Inam village attached to the Mutt. I was invited in order that I might be nominated the successor of that Swami. So I was present when the Nibandana was discussed. I was not displeased with any body because I was not selected. I don't know what conversations then took slace in the room where the Swami was seated. Don't know how long after the Taluqdar's arrival this document was executed. He and the Swami did speak to each other but I don't remember the purport of that conversation. I think I was the first to attest it. Another person was seated near me and he also attested it. He belonged to the Nizams Dominions. I don't know whether he is now alive or dead. I did not again speak to the Swami about the said document. I have seen the son of Satia Parayana Swami. He is now in the Hindupur Talqu. I last saw him a month ago. I asked the Swami on what security money could he advanced to the plaintiffs. He said that it might be lent on the security of their property. He did not tell me what that property was. A6 is in the 3rd plaintiff's handwriting. I don't know in whose handwriting A5 is A7 is also in 3rd plainttff's hand writing. I was not present when these 3 papers were written. I don't know whether there were occasional misunderstandings between plaintiff's and the Swami. When I was a lad of 5 or 6 years, it seems plaintiff's were suspended from office for 2 or 3 months but I have no knowledge of this. In Satia Parayanaswamy's time, 3rd plaintiff's father was doing the duties of Shanbougu. Also his brother Krishtnachar who had been adopted into another family. I don't know that 3rd plaintiff's father was then put out of office for some time. Satia Parayana Swami was kind to me and I used to pay him occasional visits. He told me nothing about the office of Shanbhogu. I did go to the Mutt during the time of Satia Kamaru and Satia Yeshtaru. In the latters time, Sreenevasa Char, and 3rd plaintiff and Krstnachar were performing the duties of Shanbogu, The Swami was then at Atkoor and I did go there. Owing to ill will between the Dewan and the Shanbhogs. Dambalada Guru Venkatachar was then officiating as Shanbhog for two or three months. Sateayishtaru

was the Swami of this Mutt for only 8 or 10 months. He died in Angirasa or Sreemuka. 3rd plaintiff and others became reconciled to him a day before his demise and at once entered again upon the duties of their office. The next Swami was Satia Paralkramaru. I don't know whether plaintiffs carried on a litigation at Raichore in his time and whether Plaintiff were then removed from office. In his time, the Mutt was in Hyerabad, Poona, Raichore and other places and I moved with it almost always I used to be with the Mutt. In his time too, Plaintiffs might have been out of office for a month or two but I have no recollection. I have never been to Indoor in the Nizam's Territories. I don't know if any proceedings were then instituted by Plaintiffs against Satya Parakramaswamy. I know nothing about the Mahazur got up at Bangalore. In Satea Veeraswamy's time, I went to the Mutt during his stay in Hyderabad Belgaum and Coombaconum. I did not go to Madras. The theft of ambari had taken place before my visit to Coombaconum. The Swamy spoke to me about the theft. He said he could not state positively that so and so had commited the theft but that he felt certain that some servant of the Mutt had done so. 3rd plaintiff had already been removed in connection with that theft. After the defendant was installed, I went and saw him at Gadag and was with him until he reached Haveri. I thus saw him 3 or 4 months after his installation. I don't know whether the 3rd plaintiff then complained to the authorities at Mundrigi. When the 3rd plaintiff was Shanbhog, the seal used to reamin in the Dewan's custody. The Dewan was always the custodian of the seal, and the Shanbogue of the papers. I know Beemasananhar. He was doing duty as Shanbhog after 3rd plaintiff's removal and not before that. I don't recollect his ever performing those duties before plaintiffs removal or in Satia Parakram's time. I don't remember his writing letters to me as Shanbhog in Satia Parakramarn's time. From camp Goolborga, I think Takeeds in his handwriting used to be received during Satia Parakramar's time. It is the Shanbhog that always writes Takeeds. On two or three occasions extending over a period of 4 or 5 months. Takeeds were thus, received in the handwriting of Bheemasena Char.

Re-examined.—1st and 2nd plaintiff's grandfather Subana Char died more than 25 or 30 years ago. When I saw defendant's predecessor at Belgam and Hydrabad the 3rd plaintiff was performing the duties of Shanbhog. It was after Satya Parakrama Swami left Poona that the said takeeds were received. I did not settle accounts in Satia Yeshtar's time. They were setteld after his death. All the Vartane was paid to plaintiffs and none to Guru Venkatachar.

By the Court.—The place were costly jewels are kept is called Dodda woogarana. An official called Dodda woograneek is in charge of it. I don't know who remains in charge of

the key. The Shanbhog does not keep it. There are other officials who fit up Mantap and decorate the deity. Under the orders of the Swami, the Shanbhog excercises general superintendance over all these people.

Planintiff's 11th witness recalled and Cross-examined on solemn affirmation with the Court's permission.

When the petition and power of attorney (Y and Z) were drawn up, the 3rd Plaintiff was not doing duty in the Mutt. He had quarrelled with the Swami and came away. The Mutt officials who got us to sign including 3rd Plaintiff, said that they had come to this Province on Mutt business but that on going back they were refused admission into the Mutt.

Plaintiff's 14th witness, Purushottamachar, on solemn affirmation.—For 5 or 6 years I was agent of this Mutt in Satea Veeraswamy's time. For 2 or 3 years past I have been agent under the defendant. Satea Veeraswamy used to sign papers by the Sreekar at the top, Chapushwa at the bottom. How his predecessors used to sign, I don't know. The defendant signs in the same way as his predecessor. I have seen the Mutt Seal. I see AI and A7. The seal therein is the Mutt Seal. The Sree Kar and chapushwa are also the said Satia Veeraswamy's. A 10 to A 13 also bear the Mutt seal and the Swami's Sreekar. Some papers are sealed in one place only and others in two places. I don't know since when the Mutt has been putting seals. I was not in the Mutt when plaintiff's were removed. I did go to Madras for the Mahasamardana. The 3rd plaintiff Shanbhog Shamachar was in the Mutt there at that time. This was in Navaratri. I left the Mutt at once. I don't know how long afterwards plaintiffs were removed. In Satia Veeraswamy's time I had been to Hyderabad. I don't remember to what other place I had been. 3rd plaintiff was not in the Mutt when I went to Hyderabad. I was there for 15 days only. I don't know where 3rd plaintiff then was. 3rd plaintiff's brother Venkanachar was then in the Mutt and was doing duty there. He was writing papers. I don't know if that is the shanbhog's duty. Since I became agent, I have not paid any vartanie. I don't know how matters stood before that. The defendant is my paternal uncle's son. Satea Veeraswami is a—of mine, but rather a remote one. It is I that engaged a lawyer for defendant in this suit and that carry on litigation on behalf of the Mutt. I have been called as a witness by both parties. There is no enmity between me and plaintiffs, Satea Veeraswami has ex-communicated plaintiffs. I sign papers either as Purushothamachar " or Karlahalli Purushotamachar" I was summond to produce a Rayasa but I am not in possession of any such paper.

Cross-examined.—Nil.

The further hearing of the suit is adjourned till the 19th Instant.

(Signed) C. SREENIVASAIENGAR,

Sub-Judge.

17—10—89.

19—10—89.

Parties as before

Plaintiff's 15th witness Veini Madhavachar on solemn affirmation.—I have long known the 3rd plainniff. He is the Shanbog of the defendant Mutt. I am a desciple of that Mutt. I also know the father of plaintiffs 1 and 2. The office of Mutt Shanbogh is a hereditory haqdari appointment. I also hold a hereditory appointment viz., that of Dodda Oogranadavaru. Since the arising of this dispute, about 4 years ago. I have not been in office. Before that I was doing duty by a proxy viz., 1st and 2nd plaintiff's father. Before that my father was in office. He died 5 or 5½ years ago. Either he or I used to do the duties of our office. My father used also to do duty for men holding other hereditory offices and at their request. The Swami had given me and my father, charge of Inam villages in the Sreeerangapatam Taluk. As Shanbhogs, plaintiffs used to get vartane out of the total income of the Mutt. Of 5 rupees per cent. the shanbhog used to get half and the Rayasadavaru the other half. This I know because I used to make this payment for 20 years out of the revenue of the villages under my charge. The Gutta payable by us for the some villages was Rs. 1,600 per annum. This we paid for 10 years. It was afterwards reduced to 1,500 rupees. In addition to this gutta we used to pay the Shanbhog and Rayasadava their vartane, *i.e.*, 5 per cent. on the said gutta. The custom is this if the gutta is less than the Beriz, vartane is paid in addition to the gutta, but if it is equal to the Beriz vartane is paid out of the gutta. Our gutta was less than the Beriz. It was with the Swami that we entered into this contract. My father was in possession of some of the accounts. He died in the Mutt at Hyderabad. So, I lost those accounts. The other accounts were with the shanbhog of the Inam village of Hire Morate. Four years ago the Mutt turned me out. So I could not get at the accounts. I have none with me now. I produce Takeeds A 14 to 17. These were all given to me by the Mutt and are in the 3rd plaintiff's hand-writing. I showed them to the Persons therein mentioned and took them back as usual. I did not go to the Mutt. My younger brothers brought and gave them to me. They are not come to Court to day. A 18 and A 19 and A 20 are Nirups issued by Dewan Poornia. Owing to some disputes they were given to my father by the Mutt. They have since remained in my possession. I knew Satia Parakrama Swami. I was in the Mutt in his time. I was there for 3 or 4 years. This was both in Nizams Territories and in British Territories. Even then 2nd plaintiff was doing the duties of office. I never saw any body else perform those duties. During the time of the said Swami 3rd plaintiff and 1st and 2nd plaintiff's father took leave and came to this Province. I was there both then and when they returned. In their absence the 3rd plaintiff's brother Vencanna Char was acting for them.

As soon as they returned they asked the Swami to redeem certain Mutt property from Pledge. The Swami said they had no right to question his proceedings. They complained to the Indoor Taluqdar There was a long delay but no decision. The Swami then took away the dafter from 3rd plaintiff's brother and expelledhim. We got bothered. We all complained at Hydarabad. An order for attachment was made. About that time that Swami died. His successor Sateaveeratirtharu sent for us all including Plaintiffs and restored to us our offices. The Plaintiffs were thus out of office for about a year. The whole of that time was spent in litigation. As I was not then in the Mutt I don't know who was doing duty in Plaintiffs absence. The Sawmi is also called "Sreegalu"

Cross-examined.—I can find no Takeed relating to my appointment. There is no pay attached to my office. I am entitled to Vartane out of several items of income but not out of the revenue of village. I am not in possession of any receipt showing payment of money to Plaintiff's. A 14 and A 17 were not received enclosed in any envelope. I don't know in connection with what dispute A18 to A20 came into my father's possession. I was not in the Mutt after my father's death. Before that I was working there for 4 or 5 years. This was in the days of Satea Parakramaru and Satea Veeraru. I was not there when the theft of Ambari took place. Plaintiffs may have taken 5 or 6 months leave on the occasion above referred to. I saw the plaintiffs obtain a written order from the Swami to this effect. They took the writing with them. No mohazur was prepared on that occasion. I don't remember having seen any mohazur. The articles pledged as stated above were a gold Gangala, Koda and Soomasootra. The Swami pledged them for his own use and nor for that of the Mutt. Both plaintiffs and I said they should not be pledged. He said he would redeem them in 4 months. It was after this that the plaintiffs proceeded on leave. It was probably a month or so after 3rd plaintiff complained to the Indore Taluqdar that the Swami had misappropriated Rs. 81,000. He produced accounts to prove the misappropriation of 36,000 Rs. He said the rest were in the Mutt. He did not sue for his hereditory office, alleging that he had been ousted illegally. No decision was given in favor of the Swami. As the matter was not decided, we all went to Hyderabad and complained. Satia Parakrama Swami died about a year or a year and half after that dispute had arisen Plaintiffs and the rest of us were sent for from Hyderabad. About 15 days or a Month after the installation of Satia Veeraswami. I don't know who was doing duty for me in my absence in connectiou with that dispute. Before me and my father Beemachar held the Gutta for 18 months. Before that 3rd plaintiff had charge of those villages. Shammannchar never held the villages except once during the 20 years in question.

Re-examined.—Nill.

Plaintiff's 16th witness Chintamani Row, on Solemn affirmation.—I am a disciple of the Ootraji Mutt I have known 3rd Plaintiff for 25 years past. I don't know what office he held in the Mutt and people say he was shanbhog. My father had lent some money to the Mutt. I don't know whether the Mutt had deposited any papers with my father. My brother must be asked if he returned any papers to the plaintiff after my father's death.

Cross-examined.—Nil.

Plaintiff's 17th witness, Jayarayachar, on solemn affirmation.—I am 43 years old. I have known 3rd plaintiff for 20 or 25 years past. I am a disciple of defendant Mutt of which 3rd plaintiff is shanbhog. The office of shanbhog is a hereditory office. I knew 3 Swamys. One of them came to Mysore when I was boy and so I don't remember him well. The next Swami whom I saw was Satea Parakramaru. This was 20 years ago. I saw Sateaveeraru in Madras in Tharana. I then stayed there for 1½ months. At that time 3rd plaintiff and Srinivasa Char were doing the duties of shanbhog. So also when I saw Satea Parakramaru Swami. When I was leaving Madras the Swami entrusted me with some Rayasas and Agna Patrikes to be delivered to gentlemen in Mysore. I delivered them all, of these Mr. A. Narsimhiengar got this read and left it with me. I produce it (A 22). I printed a Notice and sent 300 Copies to the Swami at Madras. A 22 was written to me for some more copies.

Cross-examined.—I remember that some 10 or 12 years ago the 3rd plaintiff and a large number of Mutt people, got a mahazur prepared in Mysore. The Swami had removed 3rd plaintiff and there was ill feeling between them at the time. 3rd plaintiff was not therefore in office then. How long he was thus out of office I dont know. The Ambari had been lost and a fresh one was being made, when I went to Madras. I am not quite sure about it I think I then heard that bows, arrows &c., had been lost, and the Ambari was lost after any return to Mysore. I can't recollect this well. I say the office of shanbhog is heridatory because (1) I have seen plaintiffs holding that office for 20 or 25 years, (2) people say it so (3) My ancestors used to say that plaintiffs were hereditory offices. I don't know when upon what terms that office was given to Plaintiff's I have heard, and it is my impression, that all servants of the Mutt hold hereditory offices. I know some of them but not all. There are 63 in No. I don't know how they are remunerated. I don't know whether the Swami has a right to remove any of them from office. I have some recollection of the 3rd Plaintiff publishing a printed paper containing such statements against Satea Parakrama Swami as that he was suffering from asthma and was constantly spitting flem &c. I see I. This is it. I don't remember

assisting the 3rd Plaintiff in drafting or printing it. I am not helping him in the prosecution of this suit.

Re-examined.—Nil.

Plaintiff's 18th witness Thamanna Char alias Kristna Char on Solemn affirmation.

I had taken the Mutt villages on gutta. I held the Sirangapatum villages from Rowdri until Vishu except four years when Kemgurn Krishna Char held them. I held the villages of the Betur Taluk on Gutta for 2 years i. e., in Projothpathi and Angirasa. During these 2 years I also held the office of agent of the Mutt and as such supervised all the Mutt villages. A 23 is a Fysalati patti given to me by the Mutt and bears the Mutt seal and Satia Parakramoswamy's signature. The Mutt Shanabogues were plaintiffs and their ancestors. As such they used to get Vartane. That is out of 5 per cent of the income of villages and all other sources, they used to take half, the other half being given to Rayasadauaru. During the period of my lease, I paid them this Vartene. A 23 shows that Rs. 68-14-0 were thus paid to Shanabogue and Rayasadararu. A 24 is an account patti given to my father by the Mutt and the signature of Satia Parayana Swami. This too contains an entry of the payment of Vartane.

Cross-examined.—In the Serangapatam Taluk, there are 3 Inam villages. I gave up all the accounts to the Mutt. Kachakardu may be in my house but I have not brought it here. There are receipts in my house for payments made to the 3rd plaintiff and his father and brother and cousin as well as to the Rayasadavaru, I was not asked to bring them to Court. The total collections shown in A23 are Rs. 1,089—14—5. The vartane was passed according to Lekkachar. Probably some arrears were included in this patti. The patties of other years are not with me. I found only this one in my house and so I have brought it to Court. I have had nothing to do with Mutt affairs since Vishu last. After I gave up the Srirangapatam villages Veni Madhwachar took them up. I am not sure that this took place in Vishu. Being sick and weak, I gave up the villages. Satea Veeraswami and I are not on bad terms with each other. I don't know if the Swami excommunicated me. Goondachar told me of such excommunication.

Re-examined.—There are some 40 families at Hole Narsipur Taluq.———of these have been thus dealt with. This was done 3 or 3½ years ago in connection with the theft of Ambari.

Plaintiff's 19th witness, Nanjunda Bhatta, on solemn affirmation.—I am 67 years old and am the agent of the Srigeri Mutt at Hole Narsipore. I have know plaintiffs and their fathers since my boyhood. I know that their fathers, and then the plaintiffs were the shanbhogues of the Ootrajee Mutt. This I have seen from my boyhood. I know that 2 or 3 Swamies and stayed at Hole Narsipur for 3 or 4 years each. It is now some 20 years since any Swami paid a visit to Narsipur.

Cross-examined.—I hear these people are haqdar shanbhogs but I don't know what they were being paid. I don't know who gave them the office but my elders and all the people at Narsipore used to say it was hereditory in plaintiff's family.

Plaintiff's 20th witness, Malavalli Bhima Row, on solemn affirmation.—I am 61 years old. I am a desciple of the Defendant Mutt. I know 3rd plaiatiff. I also knew his father Anantachar. I did not know Sreenevasa Char. 3rd plaintiff and his father were the shanbhogues of the Mutt. 3rd plaintiff's uncle Subbanna Char also held that office. I have thus seen this family occupy the office of Shanabogue for 50 years. It is a hereditory office. I say so because everybody else used to say so.

Cross-examined.—I know that 3rd plaintiff got a Mahazer drawn up 10 or 12 years ago. I remember to have signed it. I don't know whether the 3rd plaintiff was then in office or not. He said that the Swami had squandered away Mutt, property and that like other well wishers of the Mutt. I must sign the Mahazer. I don't remember how long 3rd plaintiff then stayed here. I did not then ask him if he was still in office. I don't know on what terms the office was given to plaintiff's family and what remuniration they get.

Re-examined.—I see Y. The signature under it now shown me is my own. It is for the Shanabogue to see that Mutt property is not wasted or lost.

By defendant's advocate with the Court's permission.

I don't know if this had been laid down any where. I have simply heard of it.

Plaintiff's 21st witness, Krishna Rao, on solemn affirmation.—I am a desciple of the Oothrajee Mutt. Ramaji Pant was my grand-father. He was a Munshi in the Palace Hazoor. I know the late Maharajah's seal and signature and I can identify them because I have been employed in the palace for 25 or 30 years past. I can also identify my grand-frther's handwriting. I may also have seen papers bearing Dewan Purnia's signature. I may have seen these in my boyhood but not in the palace. I know plaintiff. I also knew Subbannachar and Ananthachar since Satea Sankalpa's time. That Swami came here and died 4—years ago. The plaintiff's ancestors were the shanbogues of the Mutt. A25, A26 and A27 bear his late Highness's seal. The signatures under them and under A28 look like his own. I don't know in whose handwriting the first 3 papers are. A28 is in the handwriting of Zenana Bagal Gurikar Shama Row who died some 10 years before the demise of His late Highness. I don't know how Dewan Poornia used to sign. Exhibit L is my grand father's handwriting. It looks like it. The seal and signature are those of His late Highness.

Cross-examined.—From the beginning I have been the Sheristadar of the Karoohatti attached to the Palace. My office is not held in the Palace. I have not only seen papers

bearing the late Maharajah's seal and signature but have also seen him sign and seal papers. None of the papers shown me was written, signed or sealed in my presence.

Re-examined.—Nil.

Plaintiff's 22nd witness, Krishnachar, on solemn affirmation. —I am a diciple of the Oothrajee Mutt. About 8 years ago I took lease of the Mutt revenue of in Coimbatore and Beypoor. I gave it up 3 years ago. I have settled accounts with the Mutt and obtained receipts but they have not been stamped 20 per cent was deducted out of the total revenue and sent by me to Shanabogue Sreenivasa Char. He was to take 2½ and the Rayasadasaru 2½. The other 15 used to be paid to certain other officials of the Mutt. I once sent 20 Rs. to Sreenivasa Char and got back money order receipt A29. Other receipts given me by him are unstamped ones. The last settlement with the Mutt took place when Satea Veeraswami came to Coimbatore in Vyaya Jaishta. Beemasena Char was then doing the duties of Shanbogue. It was he that got the accounts settled.

Cross-examined.—The Patta Muchalika given me by the Mutt gives the details of the several payments which I was authorized to make. I have not brought it here. The plaintiffs are not related to me.

Plaintiff's 23rd witness, Krishnamurteachar, on solemn affirmation.—My grand-father was Krishnachar I am now 30 years of age. I produce the Nirup which I was directed to produce (A30). This has long been in my possession. Parpattegar Kristnachar referred to in it was my grand-father.

Cross-examined.—For 9 or 10 months in Bhahudanya I did duty as Parpattegar in the defendant Mutt. The Swami then was Satia Parakrama Swami. After I came away, my cousins were in office until 2 or 3 years ago when they were told not to come into the Mutt. The Sawmi did not exclude me from the Mutt. I came away on private business, saying I would return in a year. My Cousins continued to send me money until 2 or 3 years ago. For the last 2 or 3 years, I have received nothing. My cousins were expelled some time subsequent to the theft of Ambori. They are Subramannea Char and Bobanna Char. This takid has been in my house since my grand father's time. In Bahudhanya, the Swami was touring in the Nizams Dominion, 3rd plaintiff was then carrying on a litigation in the Indore Court. I don't know how long it lasted or in whose favor it resulted. 3rd plaintiff's brother was then doing duty in the Mutt. 3rd plaintiff had then came to this province. How long he was thus away from the Mutt I don't know. Nor do I know whether his brother was also a party to that litigation. Bheemasenachar was doing some other duty, and not that of shanbogh. My self and my cousins have not been ex-communicated by the Mutt. I live in Mysore. 3rd plaintiff is now staying in my brother's house which is close to my house.

Re-examined.—Nil.

Plaintiff's 24th witness, Sanjiva Anniachar, on solemn affirmation.—I am a desciple of the Ootraji Mutt. I have known 3rd plaintiff and Ananthachar and Subbannachar for the last forty years. These people have since been the shanbhog of this Mutt. The plaintiff's family are hereditory shanbhogs of the Mutt.

Cross-examined.—My brother was ex-communicated by the Mutt. But he has since been restored. I have never been to the Mutt but I know that the Mutt came here some 36 years ago. I don't know what the Shanbhogs get, and upon what terms they hold office. All that I know is that these people are known as Shanbhogs and have long been in the Mutt. I don't know what other offices are hereditory. I saw 3rd plaintiff doing duty in the Mutt when the Swami staid here for a month or so an 2 or 3 occasions. His father and uncle were also working in the Mutt at that time.

Re-examined.—Nil.

Note.—Mr. Ananda Row states that witness, Krishnachar went away without receiving batta the day before yesterday. He must be arrested. There are five witnesses who will have to be examined hereafter in order to rebut the evidence of defendant's witnesses. The 3rd plaintiff has to be examined after certain papers sent to different Courts to be shown to witnesses are received back. Mr. Ananda Row has no other witnesses to be examined in this Court.

(Signed) C. SREENIVASIENGAR,
Sub Judge.

3-12-89.

Plaintiff's 25th witness the 3rd plaintiff on Solemn affirmation.—The office of Shanabogue is hereditory. It has been in our family from long before the days of my grand-father's father. I was doing the duties of that office from my 16th year. I am now in my 60th year. Either I or my Sreenivasa Char or my father or my younger brother Venkannachar used to do those duties. My father died in Eswara. The Swami had no right to remove us at his pleasure. As shanbogue my duties were the keeping of accounts of all kinds of income and expenditure, and the taking good care of jewels &c. belonging to the Mutt so that nobody might misappropriate them. For appointing a new Swami when there is a vacancy, our consent is of the first importance. The remuniration payable to the shanbogue is 2½ per cent upon the permanent sources of revenue, such as villages lands, Mattadhikara, Varshasana and Masasana. The Mutt used also to give us Rs. 100 and odd being our Varasasana. The shanabogue is also entitled to one Dood out of 24 paid for Mudradharane. This comes to about 100 Rs. a year. Out of the Vartane of Rs. 3½ levied for Pathaprakshalane, I used to get 5 annas. This comes to about 50 Rs. a year Mahasamaradhane takes place once a year. My vartane on that account 3 Rs.

besides 30 seers rice lavajame for each day for 3 days. This amounts to about 46 Rs. a year. For the Maharnavami my vartane is Rs. 2—10—0 in cash, and sugar &c. worth about 4 annas. Mahabisheka is performed twice a year. My vartane on that account is two Dhadeas of sugar and a piece of duffer cloth. For the two Mahabisheka together the vartane may be worth about 5 Rs. The pay to Sudra servants is disbursed by shanabogue. 4 annas is withheld from the pay of each of them. I mean one anna, on every rupee. It is called Dasturi. The Havaldar Rayasadavaru, the Swamy's son, the Dewan and the shanbogue go shares therein. I get 2 pies on every rupee of pay. My income from this source may be about 50 Rs. a year. I was being fed once a day in the Mutt. For the other meal, I used to get 3 seers of rice with lavajama. We had to keep 3 ponies. We used to get 6 seers of gram therefor. These 2 items together used to amount to more than 500 Rs. a year. On account of grass for the ponies, we used to get 3 annas a day. We had a Mutt servant for looking after the ponies. That is the Mutt used to pay me 5 Rs. a month and I used to employ a servant. Letters sent out from the Mutt used to be written by us and copied in a registar. I was doing all these duties and receiving all these incomes until I came away to Mysore from Manjakuppam. My brother Venkannachar was subsequently doing so until the Mutt arrived at Chidembarum. It was on 10th Ashadasudha of Parthiva that I left. He left on 2nd or 3rd Bahula of the same month. My object in coming here was to give evidence in the ambari case. The Swami sent me, in order to depose on the Mutt side. I came to Mysore twice for that purpose, the first time being from Panrootti and the 2nd time from Manjakupam. I returned to the Mutt. The Swami had left Chidembaram. I received a notice at that place on Ashada-Bhahula 6th. A is that notice. The Swami did not send for me and put me any questions, I did not see him after he sent me to Mysore to give evidence. He, that is Satea Veerateertharu was alive for a year after the date of the notice. Along with me he removed all hereditory servants belonging to Narasipore. Rayasada Krishna Char having died and his son being very young, I was doing his duties also. The office of Dodda Wugrana was also being done by me as the last incumbent was dead. Besides the holders of these offices, the Pustukada Wugrana, Washtra Wugrana Deverseve, and several others were removed. Goonda Char held the office of Wastrada Wugrana. His younger brother Rama Char was then in office. He was also removed. Of those then removed, this Goonda Char and one Poorna Char have since been restored. I dont remember who else. This was some 2 or 4 months after the disposal of the Criminal Case. The removal of myself and of all others was on the ground of the loss of the Ambari. I wrote many letters to the Mutt after the receipt of the notice. To some I received no reply. The others were returned unopened. A 35, A 36 & A 37 were

addressed to Satea Veera Swami. A 39 is an acknowledgment received from the Mutt. I know Indore of the Hyderbad territories. In the days of Satea Parakrama Swami, the Mutt paid a visit to that place. My brother Venkanna Char was then doing the duties of shanbogue, as I had come here on leave from Baramoti. I went back to Indore after an absence of about 5 or 6 months. The Swami had given away to his sons some 6 or 7 thousands which were in the Mutt. His sons had also received moneys due to the Mutt by lessees of villages. I told the Swami that he was not right in giving away Mutt money in the way he had done. I had a right to question him on the subject. My predecessors in office used to do so. The old papers having been lost, Satea Nathaswami executed fresh ones regarding our duties and privelages. This was some 200 or 250 years ago and not in my time. I see A 40 and A 41. These are the documents he executed. They have come to my custody from those of my ancestors. Formerly all my caste people used to be called Bhutts. Now they are called achar's. Vittal Bhut and Narain Butt were my ancestors, some 10 heads before me. A 27 is a Nirup issued by His late Highness to my grand father Shama Char. I found a genealogical tree in my house in my father's hand-writing. I have not brought it to Court to day. There is a book called Samstanada Sampradaya Padhati. It used to be in the Mutt. It is in Lukshmikanta Char's possession now. About my Vartane reference had to be made to that book. The Swami asked the said Achar to refer to it and settle the affair. He thus came by the book. A 42 is a document executed to my grand father and others by Satea Veeraswami. A 43 was executed to them by Satea Dharmaswami. A 44 was executed to my paternal uncle Subbana Char by Satea Sankalpaswami, A 45 was executed to Sewa Vritti people by Satea Santushta Swami. There are 64 such people including the Swami. The Shanabogue is one of them. A 46 to A 49 are perwanahs issued by Dewan Poornia. A 50 is a Samakhea executed by Sewa Vritti people. A 51 is an account patti given to my father by the Mutt. A 52 is a Takid issued to the inhabitants of the village of Pandugala. A 53 is a petition addressed by me to the Hunugunda Talook Catcherry. It was returned to me with an endorsement. A 54 & 55 are the accompaniments of Exhibit L. When I took Satea Parakramaswami to task, he said he was an independent personage and could do what he pleased, and I had no right to interfere. I tried my best to bring him round but in vain. I complained to the Indore taluqdar. I prayed that further misappropriation should be stopped and the property attached for fear of its being frittered away. A month or 2 after the making of this complaint Vencanna Char was sent away from the Mutt. Kinnaul Vencataramana Char officiated for about 15 or 30 days. Bheemasenachar acted until the resumption of duties by myself. I and my brother were thus out of office for about a year. The Taluqdar declined to interfere and said that we were desciples

and the person complained against was our Goorod. We appealed to Sir Salar Jung who directed the attachment of the Mutt property. Hearing of that the swami moved into the British territories. We petitioned the Collector who gave orders to the Hunugunda Taluq Cutcherry for the attachment of the Mutt property. Before the order could be carried out that Swami died and Satea Veeraswami was installed. He sent for us and restored into our offices. In the days of Sateakama, there was a gift of a village to his son. He died shortly after. On hearing of the gift, I went back to Sateayishta and objected to the gift. He said he could do nothing and that we might do what we pleased. We complained to the Raichore Taluqdar. That led to orders from the Sadar Adalut cancelling the gift and restoring the village to the Mutt. A 56 to A 59 are Hookooms relating to these disputes. A 60 is a copy of the yadi then addressed by the Swami to the Taluqdar. A 61 is a file of authenticated official papers relating to the dispute about the said gift. A 62 is an order received by me from the Mutt in Swabhanu. The above was the only occasion on which we were out of office. There may have been short absence on a few occasions owing to sootaka (pollution). The total annual revenue of the Mutt is about 60 or 70 thousand rupees. Lutchmikanta Char has brought accounts to show this. A 63 is an order to me from His late Highness on Satea Kama swami's son Madhwaraya Char's petition. A 64 is an account patti given me by Satea Veeraswami.

Gunda Char had taken the case of 2 villages. He and his father had long held the lease. They used to settle accounts with the Mutt occasionally. Goonda Char gave me a Memo of accounts. I see V. This is it. It is in his own hand-writing. I know Ballapoor Krishna Char. I had borrowed money from him on the security of my office of Shanbhogue. I had pledged certain papers with him. A 9 is the deed of hypothecation I had executed.

I was in Madras when the Mutt stayed there. The thaumani was lost there. I informed the Swami of it. 3 or 4 days afterwards, Goondachar brought and gave it to me saying he had found it in the window between the room and the totti. Some of the articles were kept in a room next to the one in which the Swami was staying. The rest were secured in a rented house which is half a mile from the Mutt. There is guard to watch the Mutt. The Sepoys Mount guard near the Treasure room when the Swami is not in the Mutt. When the Swami is there, the guard will be posted on the pail outside. It is a totti house. There are two windows and a door in the outerwall near the pail. The rooms have no windows. The treasure room could be seen through one window and the Swami's room through the other. The jewel was reported to have been found in the room opposite to the Swami's room. The ambari is used only on the Vijayadasami day. It was Sreenivasa Char that reported the loss of the ambari to the Swami. In the said room lay secured, not only

the jewels but also cloths and shawls. Goonda Char had kept the latter. When the Swami was in the Mutt I slept in that room. When he went out I accompanied him, and Sreenivasa Char slept in the room. Sreenivasa Char made the report when the Swami was at Mutyalpett. The Swami would not inform the Police of the loss. The loss occurred some 4 or 5 months after the Maha-samaradhani. Lots of people had come for that ceremony. People were also sent for to discuss the question of widow marriage. Some of the people left while others stayed in the Mutt for a month or two after the Samaradhani. When Goonda Char and I were in the room, others also used to come into it. The key used to be with myself. I used to give it to Goonda-Char. So, either he or I used to open the door. The Swami stayed in Madras for a month after the loss of the ambari became known. The servants of the Mutt were sent for and questioned and denied all knowledge of the theft. The Mutt left Madras in Paloogoona and reached Manjakuppam in Ashadha. Along with the Ambari the Thaumani pearls and emeralds were found, as also a Padaka which I had purchased for the Mutt but which had not been paid for. I paid its price myself. About 2 or 2½ years ago. I carried on a liligation at Mundragi. The present Swami petitioned that the villages and lands should be registered in his name. On enquiry, I ascertained that this Swami was not given Ashrama in the late Swami's life time. I also heard that the Swami got himself shaved on Dasami and performed Homam &c., on the next day. I therefore petitioned that his installation was improper and that without an enquiry into the matter, his request should not be complind with. I was in Mysore when defendant was installed. Iwas informed of it by a letter written to Bheema Char by Goonda Char. Bheema Char was at Seringapatam and I at Mysore. I sent word to him to know whether a successor to the deceased had been appointed. He sent me this letter. I swear that it (A 34) is in Goonda Char's own hand-writing. I stayed at Mundragi for 6 or 7 months but nothing came for it. So I came away saying I would not prosecute that litigation (Note. Here Mr. Ananda Row calls upon Mr. Raja Row to produce the accounts, papers and letter which defendant was directed to produce. He says he has received none from defendant though he wrote for the same). In the Mutt account books are kept. I was advised to make a representation to defendant. I therefore went to Kadakola of the Dharwar Zilla. I was not allowed to see him. He sent word that I should not stay in that village at all. I next took a letter to defendant from Mr. Krishna Murthi. I gave it to Mr. Advocate Ananda Row who delivered it to the Mutt. Defendants former name was Jayaraya Char. I have long known him. A 65 is a letter which he then wrote to me and is in his own hand-writing. With this letter, he sent me a Mahazur. A 66 is the Mahazer he sent me. It bears defendant s signature. It was only thrice that I complained as stated above. I preferred no other complaint. None of the 3

complaints had reference to my. Shanbhogi haq. Except during the one year above mentioned, my family was never out of office after I attained my years of discreption. When I was in the Mutt, Purushottamachar was in charge of Matadhikara in Mysore A Karch Patti i. e., a Memo showing what items he must pay, was given him when he was appointed to that office. Some times the Guttige includes Vartane, and at other times it is exclusive of it. In the former case the Karch Patti tells the lessee to pay the Vartane otherwise he has to pay it to us in eddition to the Gutta. If he does not, the Mutt pays us the Vartane and then recovers it from lessee. None of the Sewavritti men get any salary. My father and uncles son owed money to the Mutt. They hypothicated the income of our office for it. A67 is a Karar then executed to them by the Swami, This paper was kept by my father along with his other papers. The Sreekara and seal belong to the Swami. Dattu Rama Row is dead. Of the attesting witnesses, only Vardasreenevasachar is alive. This paper is in my cousin Sreenevasachar's handwriting. He wrote it because he was the Shanbhogue. All papers must be written by the Shanbhog.

Cross-examined.—Venkanachar, Vittalachar, Kristnachar and I were brothers. The 2nd and 3rd were given away in adoption. Sreenevasachar and I divided off from each other about twenty years ago. The Shanbhogi office was not divided. It remained common to both. If he worked, he would take the income and if I worked, I would take it. There was no document between us about it nor was a document executed about our other property except as to utensils. Yes a deed of partition was executed, no mention is made in it about the office of Shanbhog. It was at the division that we entered into the above arrangement. I don't remember the income from our landed property. It may be 100 or 200 rupees. I don't remember the value of our moveable property, Debts were also divided. There was a box solely for the deposit of the ambari. For each article there was a separate box. No other article used to be put into it. The boxes were cane boxes with goney tatta over them. They had no lock and key. They used to be tied up with ropes. I had charge of the Dodda Wugrana at Madras. So, the key of the room was in my possession. That offices was not mine. Guru Krishnachar the holder of the office having died, I was doing the duties thereof. Wastrada Wugrana and Poostakada Wugrana were separate offices, but as they had no separate location all the 3 used to be in the same room not only in Madras but also every where. No body other than Sreenevasachar or myself used to sleep in that room. If we were otherwise busy, we used to ask Goondachar or his brother any body else to bring from the boxes any jewel that might be required. A Jadthi is made by the Swami once or twice a year when he has leisure. He made a Jadthi at Madras. I think he made two. The first one was made 2 or 3 months before the

Mahasamaradhana. The next one was made after the loss of the tanmani. The ambori was then forthcoming. This was with in 4 or 8 days of the recovery of the tanmani. A Patti was then written. It is in the Mutt and not with me. All the people who had come for the Mahasamaradana and for widow marriage discussion had left before that search, except one or two. The boxes were not being opened except when there was occasion for taking jewels out of them or at the handing over of charge from one man to another. On the day the ambari was missed, there was no occasion for that article. That was the only article kept in that box: over it there were a No. of boxes, say two or three. Over them I had kept a copper idol (Hayagreeva) which the Swami had got made for pensioned Munsiff Kanteeravachar. 2 or 3 days afterwards the Swami left for Mutyalpett after asking me to made a Kireeta and Kanti for that idol. I opened the door and looked for the idol but did not find it where I had kept it. I asked Sreemunasa Char if he had seen it. He said no. He said it might it be lying some where there. He put the boxes down one after another to see if the box had dropped down between or behind them. The last one was the Ambari box. He found the rope loose and the box light. He called me and told me of it. I was outside at the time. I went in and opened the box but found nothing in it. No body was then present. We searched but in vain. I then asked Sreenivasachar to go and report the matter to the Swami. This was at 8 or 9 a. m. The Swami had left at 7 a. m. It was usual with me to go with the Swami. He had asked me to make and give the Kirnta and Padaka and then come. I mean that I should make and keep them and then came. That is order a gold smith to make them and then go Mutyalpetta. Owing to the loss of Ambari, I did not go to Mutyalpetta at all that day. It was at about 11 a. m., that I sent my cousin to the Swami. Three Ambarees were stolen and not only one. All the 3 were made of gold and were in the same box. They were worth 4,000 or 5,000 Rupees. The box was a light one. I don't know which was the heavier of the two, the box or the Ambarees. The sepoy guard was then at the door of the room. I asked those men and they said they did not know how the articles had disappeared. Only my cousin and I remained behind. All the other Sevavritti people had left with the Swami. 1st Defendant had also gone with the Swami. On the previous night, it was I that slept in that room. Before that either I or my cousin used to sleep there. That very evening the Swami returned from Mutyalpetta. He questioned me and I told him what I knew. He next questioned the servants and others. About 2 or 3 days previously the 1st Plaintiff and 3 or 4 people belonged to Hole Narsipur, had left for their village after taking the Swamy's permission. 1st Plaintiff went to Attikuppe which is his mother-in-law's house. The others were Rajachar and 2 or 3 whom I don't recollect

1st Plaintiff left because he wanted to see his wife who was preguant. Sangti Subbanna Char and his brother had left Madras a few days before 1st Plaintiff. Their object in coming to the Mutt was to beg the Swami for some money for payment of a debt due to K. Subbannachar. I also owed some 8 or 10 thousand rupees to the last named person. I think it was 4 or 5 thousand rupees that I owed. When the Swami was in Madras, the said creditor came there to see the Swami about his son. He then made demands on me and all other debtors. He asked me to pay in a lump but I said I could only pay in instalments as agreed upon. I had to pay him 1,000 rupees a year. No instalment was then over due. As soon as the Swami questioned me, *i. e.* on the said evening itself, I told the Swami that I would pay the money required for making fresh articles. This I did because the loss occurred while I was in charge. That is the rule obtaining in the Mutt. I told the Swami that I would make an attempt to trace the thief and he must help me. He said I should not complain. He did not say he would complain against me. It was not after the disposal of the Criminal case or during its pendancy that I offered to pay. The tanmani was worth Rs. 2,000 or 3,000. I don't know what the pearls and emerolds lost were worth. The Swami did not tell me I should be held responsible in respect thereof. I was trying to find out what had become of them.

ORDER.

It is now 5 p. m. The further hearing is adjourned to the 5th December.

5-12-89. Plaintiff by Mr. Narana Iyengar and Defendant as before. 3rd Plaintiffs cross examination continued.

The Dodda wugrana was in a house on the sea shore. The whole house was rented for it. There were three guards over that house, one inside, one out side and one upstairs. The Jewellery was all kept downstairs. The cradle and other costly articles were all kept there. Only articles in daily use and those requiring repair, were kept in the Mutt. People could not as freely come and go in the Dodda Wugrana, as in the Mutt. The cradle and other articles used to be brought when necessary, and taken back when the occasion was over. The cradle was more valuable then the ambari. As a rule both used to be kept in the same place. The ambari is not used an any other occasion than during Navaratre. After we went to Madras, both the cradle and the ambari were in the same place, that is in the Dodda Wugrana. When the tanmani was lost the ambari was in the Dodda Wugrana. All the articles were next sent for, for the purpose of making a jadthi. The jadthi occupied one or two days. All the articles were returned to the Dodda Wugrana except the ambari, and a few other articles such as Paaka and Kanti. The ambari was retained here because it had to be repaired. It was not completely broken but it needed slight repairs here and there. For want of leisure to

tie up the other articles in cloths, they remained behind. I don't know what they were worth. They were valuable ones, but I cannot estimate them. It was with the Swamys permission that the ambari and other articles were kept behind. He said "let them remain here. We may send them by and by." The Padaka &c. a were in a separate box along with the ambari box. That was also a cane box. I had locked it. It was to be sealed by the Swami after being tied up in bits of cloth. But I had no leisure to tie them up. It was 20 days or a month after this jadthi that we missed the ambari. I am not quite sure about the interval. The ambari was not repaired during that period. There was 2 or 3 days work to be done. The goldsmiths in the Mutt were otherwise busy. The ambari was a large article and was therefore never kept locked. The tanmami was worth 2000 or 3000 or 4000 rupees. It was kept in a copper samputa on the floor, and not in a box. It was in daily use in the Mutt. The Sawami gave it to me and asked me to get it repaired. I had to replace a diamond which had dropped off. I asked a merchant to bring one. He brought one 2 or 3 days after. I next gave the key to Gundachar and asked him to bring it. He came back and said that the samputa was empty. I went and searched but did not find it. This was 3 or 4 days after the Swami had given it to me; after these two losses, the Swami was not angry with me or with my cousin. The pieces of gold found at Holenaraseepur, was the ambari pieces. The pearls found belong to the said tanmani. Sreenevasachar left the Mutt when it was at Teruvallur. This was 20 days after leaving Madras. The Swami asked him to trace out the lost property in this part of the country. So my cousin left. At Arnee, the Swami told me he had unknown to me sent some people to Narasipur to try and find traces of the lost articles. It was at Arnee, that the Swami heard that the articles had been recovered. He told me of it. I said I was glad to hear of that. He did not then get angry with me. He did not question me in the presence of the Jahagirdar. At Manjakuppom, Pudu Palya, there was a settlement of accounts between me and the Swami. He then gave me a Patti. This was when I was leaving for Mysore the second time to give evidence in the Criminal case. The Swami did not then take me to task about the theft of jewels. I left the next day. Sangali Subbannachar's sister is my son's wife. He and his brother were accused persons in that case. My cousin Sreenivasachar way on his way to Bangalore after the first adjournment but he was arrested at Seringapatam and made an accused person. His son the 1st Plaintiff was also one of the accused. The Swami asked me to give evidence that Sangali Subbanachar had carried away the article. I said I could not do so. I gave my deposition in that case. When I and my cousin came away, my brother Vencannachar remained in the Mutt.

A 40 was executed by Satyanatha Swami and A 41 by Satea-abhinawaswami. The interval was some 20 or 30 years. I first saw those papers when I was a boy aged 16 or 17. It used to remain, sometimes in my house at Narsipur and at other times wherever I might be. Both the papers are in the handwriting of the same person *i. e.* that of my ancester Narana Bhutta. I am not in possession of any other papers written by him. There are lots in the Mutt. I have no personal knowledge of any dispute between my grand-father and Satea Dharma Swami and his son. I know nothing personally about A 43. I know nothing as to what took place in Sateasankalpaswami's time and what led to the execution of A 44. Between Sateanadha's time and that of Satiasankalparu, there was an interval of 100 or 150 years. I was a boy and therefore have no personal knowledge of A 45. A 44 is not in the same handwriting as A 40 and A 41. I have no personal knowledge of the writing of Patti 21 as I was then quite a boy. It was in Satea Parayana's time that I began to work in the Mutt. Between him and me there was no misunderstanding. It was in Sateayishta's time that I complained at Raichur. This was some 5 or 6 months after his installation. I carried on proceedings against him for, 2 or 3 months. He died 9 or 10 months after his installation. During those 2 or 3 months, I was not in the Mutt but my brother and cousin were on duty. The complaint was that the village of Atkur and some money had been given away to Madhwaryachar and his brothers. None of the old documents I now produced was ever before produced by me before any functionary. There was no necesity for doing so though the papers were all then in my possession. I did not shew them to Sateayishta Swami He executed A4 at Atkur. The Swami asked me not to carry on the litigation. I asked for a paper and he executed A4. The dispute then was only about the alienation of Mutt property. Madhwarayachar repudiated my title and said I had no huq at all. Hence my asking for and obtaining exhibit A4. The Swami died 15 or 20 days after the date of A4. He was suffering from asthma and dyspepsia. He was then 70 years old. He was sick for 2 or 3 months before his death. Lots of persons were present when A4 was executed. It was written in the Mutt. No Government official or officer was present. Yes a Police Duffadar was present. Jois Krishna Char was also removed by Defendant. Davermane Rama Char who was likewies removed was also an old servant of the Mutt. I don't recollect who else. I don't know whether a written order was sent to them or not. The Swami had no power to give money to any one without consulting me. If I object, he could not pay. I don't know whether the village of Vasana has been given away to Satea Sandha Swami. Yes I heard of it. This was long long ago. The village of Muddaladu was given away to Sateavaraswamy's. Both these were given for Brindavanpoojah. The latter was given in

my time. I was not asked as I was not present. I don't know if my cousin was consulted. Gollahalli was given away to Satea Parayanaswamy's son, also for Brindavana Poojah. I was not then present in the Mutt but my brother and cousin must have been consulted. Hunse Kutte was given away to Sateabodaswamy's son for Brindavana Pooja but this was in the days of my ancestors. The Sampushta redeemed from pledge for the Mutt, lay with Satea Parakramaswamy's son. The pledge was for ten thousand rupees. That was a pledge for the said Swamy's son's use and for the benefit of the Mutt. But Sateaveeraswami was obliged to redeem it from pledge. I did not object to the pledge because I was not then in the Mutt. Jewels worth about fifty thousand rupees lie pledged at Bagalkote for about 20,000 Rs. This pledge was made by Satea Veeraswami seven or eight years ago. That pledge had first been made by Satea Parakrama Swami, when we were out of office for one year. I did not afterwards complain. I was not present when Satea Kaman was installed. My father was then in the Mutt. I was not consulted about it. When Sateayishta was installed, my brother Krishna Char was in the Mutt and not I, so I was not consulted but he was. I was not in office when Satea Veeraru was installed. But I was consulted and I said I had no objection, I did not complain about my one year's exclusion from the Mutt, as there was no Takrar about my huq. I know there was a Mahazer against Sateaparakrama Swami. It was my brother Vittobachar that got it written and signed. This he did under my orders. I was then in Madras I was not on duty then. I admit that I got I printed and published. I was then out of office. This was in Sateaparakrama Swamy's time. I knew my paternal uncle Subbannachar. He was on duty in Sateasankalpar's time. I don't know whether he was removed from office. I was then very young. In Sateaparayana's time my father, or cousin or I used to do duty. The Swami then paid a visit to Munaballi. My father was then removed. He was then on leave at Soorpali for 2 or 3 months. When he returned, that Swami was dead. During those 2 or 3 months, my brother (but adopted) Rayasada Krishna Char was doing the duties of Shanabogue. I don't know whether Dombalada Padmanaba Char was ever doing those duties. In Satea Veera's time, I was under pollution at Hyderbad. Bheemasena Char then acted for me. Defendant used to pay occasional visits to the Mutt before his installation. He used to write to me. All those papers are now in the Mutt and none with me. The letter I produced was received by me by post. I did not preserve the envleope. The bond returned to me by the Mutt, was kept by me in my Dafter in the Mutt. It is still there. Lots of my papers are now in the Mutt. In the Mutt, there is a seal with the inscription. "Rama Chendra Vijayati." It was in existence from Sateadharma's time to that of Sateasankalpar. The latter made a fresh seal inscribed "Satea Sankalpaguru Raja Vijayate." It existed until 5 or 6 years

after Sateaparakrama's installation. It was next replaced by one inscribed "Digivijaya Ramavijayate." It was in use until I left the Mutt. It is usual with the custodians of property in the Mutt to give and take charge when going away or coming back. The Swami is not personally in possession of any property. The seal remains with the Swamy's son or Dewan, and not with the Shanabogue. When I first went to Kadakola, I did not complain though I had already received Goonda Char's letter. On the second occasion when I went to Mr. Ananda Row. I complained. This was about 8 or 10 months after Defendant's ashrama. Exhibit XXXI is a copy of my petition. That case went on for 4 or 5 months, and I next presented a petition of which XXXII is a copy XXXIII is copy of the deposition I then gave. I was not then asked to preduce my documents and so I produced none. Some papers are signed and other sealed. There is no rule as to which should be signed and which sealed.

Re-examined—There are accounts in the Mutt showing payments made to me. If the Swamy does anything wrong, I have a right to object. I objected because I knew that the Swami had done what he had no right to do. As I was restored at the end of one year, I did not then sue the Swami.

By Court.—The account Patties produced by Defendant's witnesses are genuine. There is only one way into the Treasure room. There was a small open space under the eaves. I don't know whether, a man could get in and go out through that. The room did not seem to have been broken into 15 or 20 days before the missing of the ambari, when I and the Swami were at Mylapur, a peon (sepoy,) came and reported to us that the door was found unlocked. The Swami sent my cousin to see about it. This was some time subsequent to the loss of the tanmani. My cousin looked at the boxes above the ambari box and other boxes and missed nothing. So this box was not examined. We thought everything was safe. I don't know whether the ambari then existed or had gone. I returned the same evening but did not suspect anything wrong. I did not hold an enquiry as to how the lock had been removed and by whom. Varkode Krishnachar and others who are not come here were present when the Swami told me not to send the ambari back to the Dodda wugrana. The Swami has no right to dismiss an official however strong the suspicion against him. He can only dismiss a man if he is proved guilty. Even then he must give the appointment to the dismissed afficials *Varsdar.* It is so stated in A4. This document is in my cousins hand-writing. When it was executed, no theft or loss, due to the hereditory servants of the Mutt, had occured in the Mutt. As Madhwaraya Char (Swami's son) had taken away money, this clause was inserted. He is not a hereditory servant of the Mutt. As I said that the wugrana official must pay, this clause was inserted. Havaldar Narna Char

was in the Mutt when the articles in question were lost. He was the Swami's brother in law. He was living in a portion of the Mutt. * * * * *

(Signed) C. SREENEVASIENGAR,

5—12—89. *Sub-Judge.*

Plaintiff's 26th witness Varakore Krishnachar on Solemn affirmation.

I know Goondachar's handwriting. I have seen many papers written by him. I see A34. It is his own handwriting. And so is the whole of V.

Cross-examined.—I was a Jois in the Mutt. I have not been in office for 3 or 4 years past. I was in the Mutt when it was in Madras. On the day the Ambary was missed, the Swamy left for Mutyal Pett, I went with him, I had seen the Ambary. It was used during the Navaratry at Madras. It was not sent to Dodda Ugrana. After that occasion was over, it had to be straightened a bit. So it was left with the 3rd plaintiff. It was used only on the 10th day of Dasara. The next day the 3rd plaintiff secured it in a cane box in his room in the Mutt. No. He kept the box in charge of the guard outside. I did see him do so. It lay there that is near the outer door for 10 or 15 days. The 3rd plaintiff next removed it into the treasure room in the Mutt. It lay there for 2 or 3 or 4 months. The Mahasamaradhane took place before the Vijaya Dasami. During the said 2 or 3 or 4 months, the ambari was not taken out of the room at all. The Swamy does make a Judthi of the jewelry in the Mutt. He made one 10 or 12 days after the Navaratry. I don't remember whether the ambary was then near the outer door or in the room. Other articles were sent for from the other house. The Judthi occupied 2 or 3 days. All the articles brought from out side were then sent back, I was present at that Judthi. There was then no conversation about the Ambari. I did not afterwards hear any talk between the 3rd Plaintiff, and the Swamy before or after the lost of the Ambary. I was serving in the Mutt for 10 or 16 years. My father was in service before me. I am not in possession of any sunnad or other papers. Goondachar writes his own accounts in the Mutt. He has not written any letters to me. I am in possession of a letter he wrote to another person. Sreenivasachar was my father's sister's son.

Re-examined.—Nil.

By Court.—For the Navaratry the Ambary and other Jewels were sent for from the other house. After the Navaratry was over, all these including the Ambary was sent back to that house. 10 or 12 days afterwards the Swamy asked the 3rd plaintiff to send for it from the Dodvugrana as he wanted to see it and get it repaired. Only the box containing the Ambary, was brought by a Sudra servant. The Swamy saw the Jewel and said that it

should be repaired. It was slightly crooked, that was all, it could have been straightened in 2 or 3 ghaligays. When the Swamy said as above, the 3rd plaintiff secured it in his room. A day or two afterwards, the other articles were sent for, for the purpose of a jhudthi. All of them including the Ambary were then examined. Not one of the articles thus sent for was afterwards sent back to the Doda wagrana. They all remained in the 3rd plaintiff's room in the Mutt until the Swamy left Madras.

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The further hearing of the suit is adjourned till the 16th instant.

(Signed) C. SREENIVASIENGAR,
Sub Judge.

5—12—89.

16—12—89.

Parties as before.

Plaintiff 29th witness Krishnachr on solemn affirmation.

I know the 3rd Plaintiff. Sateadharachar is my wife's elder brother. I had lent money to 3rd Plaintiff. He had given me two bonds. That debt is not now due. A9 is one of those documents. It bears an endorsement in my hand writing. He 3rd Plaintiff had pledged with me the documents therein mentioned. I returned them to 3rd Plaintiff. They were Balabond papers. As it is a long time since I saw them. I cannot now identify them.

Cross-examined—This document was executed at Bangalore. I did not go to the Mutt and make any enquiries before obtaining this bond. My brother-in-law told me I might lend and so I lent money to 3rd Plaintiff.

Re-examined—3rd Plaintiff gave me A8 at the time of applying for the loan. I returned it along with his other papers.

The Plaintiff's advocate have no more witnesses to call.
Defendants 3rd witness Purooshotamma Char on solemn affirmation. Satea Veeraswami stayed in Madras for 8 or 9 months. I then went to Madras and stayed there for about 2 months. The ambari had not then been stolen. In Madras, all the jewels were in the custody of 3rd Plaintiff and Sreenivasa Char. The keys of the jewel boxes were also in their possession. No body else could open the boxes unless asked by them to do so. Songli Subana Char (now in Court) used to move about the place but I don't know if he was employed in the Mutt. His sister is the wife of the 3rd Plaintiff's son. I heard of the theft of ambari after my return to Mysore. I also heard of the theft of a tanmani This was also after my return to Mysore. I afterwards saw the Swami at Arni. The 3rd plaintiff was then in the Mutt. He was doing his duty at the time. The Swami told me of the theft. I don't know what 3rd plaintiff told the Swami about it. There is a Sepoy and peons guard to guard the Treasure. The sepoys are provided with swords and guns. I remember 3rd plaintiff getting a Mahazur written here 10 or 12 years ago. He was not

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

S. O. No. 760 *of* 1889.

PRESENT.—C. SREENEVASA IYENGAR, ESQ., *Judge.*

Plaintiff.		*Defendant.*
1. Sreenevasa Char.	*vs.*	Uttaradi Mutt.
2. Shama Char.		

Plantiffs 27th witness Lakshamikanthachar, on s. a.

I know Gundachar's handwriting. I have seen him write papers in the Mutt. He had also written to me. A34 and V are in his own handwriting. I also know the Defendant's handwriting. A65 is in his own hand. A66 bears the attestation of the Defendant. Sathya Viratirtaswami asked me to settle accounts between the Mutt and the 3rd Plaintiff. I then asked the 3rd Plaintiff to give me on account of the collections made, and money spent by him. The Swami got me the one which I now produce (A68). It was written in Srimukha but given to me in Swabhanu. 3rd Plaintiff then gave me another account marked A69. The former bears the seal and signature of Sathya Parakramaru and the latter of Sathya Viraru. 3rd Plaintiff applied for a lease of all Mutt revenue. Hence the giving me of these 2 accounts. A70 is a patti then given by 3rd Plaintiff showing what vartane he was entitled to, what he had received and what remained due. It bears the Swami's seal and signature. The office of Shanbogue is hereditory and has long been in Plaintiff's family. A71 is the Mutt Sampradaya book. The last entry in it was written by 3rd Plaintiff. Sathya Viraru signed and sealed it in my presence. After that, in Swabhanu when the Plaintiff's vartane affair had to be settled this book was sent for and given to me. The book bears the seals and signatures of several Swamis of the Mutt. It is the Shanbogue that does all the writing work. I had taken the lease of 10 or 15 Villages in the days of several Swamis. A72 and A73 are Karch Pattis given me by the Mutt. I accordingly paid vartane to the 3rd Plaintiff. I was a lessee for some 25 or 26 years. During the whole of that period. I paid vartane to 3rd Plaintiff. The Defendants ashram is objectionable because he got shaved on Dasami which our people should not do. Our people have a right to object.

Cross examined.—I have known the 3rd Plaintiff for 30 years past. I was a general *kharbar* in the Mutt until 3 or 4 years ago. I held no post nor was it hereditory. It was the Shanbogue that complained at Indore. We all told him he ought to complain. I did not sign the petition nor give a deposition. As I appeared before the Talukdar in company with 3rd Plaintiff, my name may have been taken down by that officer. I was not one of the complainants at Roichore either but I approved of the 3rd Plaintiffs complaint and even took a power of attorney from him. I did not go to Moondurgi with 3rd Plaintiff. The Mutt has not ex-communicated me. There was no illfeeling between me and Sathya Viraswami. It was he that put an end to my lease. I used to make a nett income of 300 or 400 Rs. a year by that lease. I saw Sathya Kamaru, Sathya Parakramaru, Sathyeshtaru and

Sathya Viraru, sign and seal the book I have produced. Of the persons present when the last named signed it, Varada Srinevasa Char is come to Court, no body who saw the others sign the book is come here. The last signature was made at Goni 6 months after Sathya Virar's installation. There was then no dispute between him and the Plaintiffs. Being a new Swami, he went through it and signed it. There was then no discussion. It was 3rd Plaintiff that read it to the Swami. The Swami's uncle was also present. It took 2 hours to read the book. No other papers were sent for and perused. It was after this that at Hydrabad the other papers were given me in order to settle Plaintiff's account. This book was then sent for from the Mutt Ugranna. The book used to be always in the Mutt. The vartane was to be the same as before. The question arose whether certain items were to be paid by 3rd Plaintiff out of the vartane or not. So, the book was sent for. I did look into the abstract statements above referred to, and got the 3rd Plaintiff a lease of the nett income for Rs. 24,000 there was no item in dispute. A patti was written but no document. Cholera then broke out in a virulent form the Swami and others left the place in great haste and so did I. So these papers remained in my possession. I used to pay occasional visits to the Mutt, the last one being when it was in Madras. But I did not give up the papers, as I was not asked to give them up A72 and A73 are in Rayasada Krishna Char's handwriting. He died 10 or 12 years ago. I have not brought accounts relating to my lease.

Re-examined.—Nil.

By Court.—I complained against Sathaya Viraswami about the gutta of Villages. This was on the revenue side.

Plaintiffs 28 witness Sreenivasa Char on s. a.

I see exhibit A67 It bears my attestation. It was executed by the Swami to the 3rd Defendant. The Srikár is the Swami's own. It also bears the Mutt seal.

Cross examined.—I am 3rd Plaintiffs maternal uncle. I live in my own house and not in Plaintiff's house. For a long time, I held the office of Mudupa in the Mutt. I was thrown out at the same time as Plaintiff's. To the best of my recollection A67 was executed at Mysore. The Shanbhogue wrote it The Swami was then in the Mutt at Hale Agrahar, Mysore. He obtained a Karár from 3rd Plaintiff 10,000 Rs. and then gave him this paper. I dont know whether any other paper was written.

Cross examined.—Nil.

By Court.—I have read this paper and find that A was executed at Srirangapatam.

Plaintiff's Advocate states that his only remaining witness is Krishna Char of Bangalore who has been ordered to be arrested.

The further hearing of the suit is adjourned till the 16th instant.

(Sd). C. SRINIVASA IYENGAR,
Sub-Judge.

5—12—89.

in office at the time. How long he was out of office I don't know. He returned to the Mutt in the days af Satea Veeraswami Defendant was installed at Korlahalli and I was then present. This was done according to Shastra, Korlahalli is in the Dhawar District. The 3rd Plaintiff presented a petition to the Collector of Dharwar who referred it to the Sub Magistrate of Mundragi for enquiry. Witnesses were examined. The 3rd Plaintiff withdrew that case. I remember 3rd Plaintiff circulating a printed notice (I) in the days of Satea Parakrama Swami. I know Bheemasena Char. He was doing the duties of Shanbhog in Satea Parakrama Swamy's time. I think he did so for 2 or 3 years. The Criminal prosecution in Mysore was against 1st Plaintiff Shama Char and Sangali Subbana Char and 2 others whose names I don't remember.

Cross-examined.—My knowledge of the affairs of the Mutt extends over the past 8 years. Before that, my knowledge was defective. Satea Parakrama Swami died 12 years ago. In his time I paid the Mutt only one visit of 4 or 6 day's duration. The statement that Bheemasena Char was shanbhog for two years is hearsay. I have also seen papers then written by him. I have not brought them here. The Mutt was then at Lukshmeswara. The 3rd plaintiff was in the Mutt at that time. I don't know the number of Seva Vritti Servants in the Mutt, or what their respective duties are. I hear that formerly, there were separate officials called woograneekaru. But for 8 or 9 years past 3rd plaintiff himself has been doing the duties of that office. I don't know the number of times I have been to the Mutt or what the duties of the Shanbhog are or whether that office is hereditary. I was present when the Swami gave the key into 3rd plaintiff's hands. The key of the Jewel boxes used to remain in the Swamy's custody. He used to give it to 3rd Plaintiff whenever Jewels had to be taken out, no. The keys used always to remain in 3rd Plaintiff's charge. I never saw any body give them to him. I used to see the ambari from a distance. It was about a foot in height. I saw broken peices of it in Magistrate's Court, Jewels used to be restored to boxes over which there was a guard. Jewels in daily use used to remain outside, that is in the Chikka Woograna. This too has a guard but it is a smaller one than the other. By Chicka Wugrana I mean the vicinity of the Swami. The box used to remain near him and Brahmins used to guard it. Those Brahmins are called Dwarapalakaru. I don't know what remuneration the Plaintiff's used to get. Witness Gunda Char was also present when defendant was installed at Korlahalli. I know Havaldar Bheema Char. His daughter is the wife of Gunda Chary's brother I don't know where he was at the time of that installation. He was not in the Mutt. The 3rd Plaintiff was a witness for the Mutt in the Criminal Case. I don't know where he came from. I don't know whether desciples of the Mutt take exception to mis-conduct on the

part of the Swami. All servants of this Mutt are desciples of that Mutt. I think Satea Parakraswmi was alive when the Mahazur was drawn up. I see the signature shown me under it. It looks like mine but I am in doubt whether it is really mine or not. I was present when the Mahazur was prepared. I don't remember whether I signed it or not. I don't know Ramgiri Shamachar's handwriting.

Re-examined.—Nil.

Note.—The witness states that he received a summons this morning and that he has not had time to search for the papers required. He must produce them on the 21st instant.

(Signed) C. SREENEVASSIENGAR,
Sub-Judge.

By Defendant's advocate with the Court's permission.

I don't know whether yatees could get shaved on Dasami and perform Homa on Yekadasi. On date of installation, a shave is indispensable. I don't know if Homa is indispensable the next day.

Defendant's 4th witness Madananta Char on Solemn Affirmation I was an employe of this Mutt. I used to do the Swami's bidding, I left the Mutt 3 or 4 years ago. I am now employed in the Mutt School at Nursipoor. Before me, my father and uncle were employed in the Mutt. We used to get no pay. Vartani used to be given us. There is no haqdari but my family held office in the Mutt from generation to generation. 3rd Plaintiff was doing the duties of Shanbhogue. His family too held the office from generation to generation. I don't know whether he has any haqdari or not. As shanbhogue, he used to get $2\frac{1}{2}$ per cent of the revenue of Mutt villages. The Rayasadavaroo used to take the other $2\frac{1}{2}$ per cent. The Swami has power to remove the shanbhogue and other servants if they should mis-behave themselves. I don't know what other renumeration the shanbhog is entilled to. I was a Dwarapalaka. As such I used to get Vartani out of Mudradharane fees. I was with Satea Veera Swami when he visited Madras. Jewels used to be secured in the woograna; the official incharge being woogranadar. The 3rd Plaintiff was then doing the duties of woogranadar. The 3rd Plaintiff was in the Mutt when I heard the report of theft of ambari. Sreenivasa Char was also there at the time. Sangli Soobanna Char was then in the Mutt but he had no employment there. 1st Plaintiff Shamachar was also there. A tanmani and a Sara were lost before the loss of ambari. By woograna is meant the place outside the Mutt, where carts containing jewel boxes stand and are guarded by peons. The thanmani and Sara were inside the Mutt. A Month or a month and a half afterwards, the ambari was lost. The tanmani with its Padaka was discovered in the Mutt itself 2 or 3 days afterwards but the pearls attached to it were missing. The Padaka was more valuable than the perals. The Swami questioned 3rd plaintiff about the tanmani. He replied "It was kept here (room). It is gone. I don't know why. No complaint

was preferred and no body brought to book. The ambari too remained in the same room. The Swami questioned 3rd plaintiff and Sreenivasa Char, who replied "We had kept it here. It is gone. Steps should be taken to find it out." About a month after that, Sreenivasa Char left for Kaveripatna. 1st plaintiff was in the Mutt when the ambari was lost. He went away before his father. This was 15 days or so after the theft. Sangli Soobanna Char went away within 3 or 4 days of the theft. His younger brother Nursima Moortachar was also in the Mutt at the time of the theft. Both the brothers left together. 3rd Plaintiff remained with the Swami in Madras and Arnee. From Pandarhalli near Arnee, he and I came away to Mysore. Sangli Soobbanna Chars object in going to the Mutt was probably the getting of some employment there. I don't know whether Sreenivasachar applied to the Swami for aloan or not. I know that Satea Parakrama Swami was in the Nizam's Territories. 3rd Plaintiff's brother Vencanachar was then acting for 3rd Plaintiff who was absent. How long, I don't know. I did not stay there long. When the Indore litigation was going on, Vencannachar was doing duty. The Swamy then took away the dafter from him and turned him out. I have not seen Vartane given to Plaintiff's but I have heard of it. In Raktakshi and Krodhana I managed the villages of the Seringapatam Taluk, not an Gutta but departmently. I then paid nothing to the shanbhog. I held a garden of Mutt for 4 or 5 years. I then made no payment to the shanbhogue.

Cross-examined.—The proceeds of the villages used to be spent upon feeding Brahmans. I hold in my hand an account Patti given me by the Mutt. I have been employed in the Mutt for 40 or 50 years past. During all this period I heard of the payment of 'Vartane' of the Shanbhogue and Rayasadavaroo at 2½ per cent each. I did not know Soobbanachar. For 40 or 50 years Anantachar and his son and Sreenivasachar were performing the duties of Shanbhogue. My family has held office from the time of my great grand father. The Woograna office is distinct and separate from that of Shanbhogue. Narsimachar and Crishnachar held that office. After them one Pustak Goondachár were doing the duties of that office. The next man was Gooroo Krishnachar. After him Veni Madhawachar was doing those duties and lastly 3rd Plaintiff. It was about 6 or 12 months before going to Madras that 3rd Plaintiff began to perform those duties. This was after Veni Madhawachar went away. One meal is given us in the Mutt. In lieu of the other, grain dole is given to all of us including the Shanbhogue. Of the 63 servant the Shanbhogue is the person that gets the largest renumeration. For the Shanbhog's ponies, fodder and grain are also given. I don't know for how many ponies. That depends upon the number of people in the Shanbhog's house. I don't know if each is paid. The

Madradharane' fee is 8 annas a head. The Mutt servants take it in shares. The Shanbhogue gets a share. I don't know what share. Nor do I know whether Padaprashalane fee is also similarly divided or not. At the Mahasamaradhane, Vartane is given to the Shanbhogue. I don't know how much. The amount can be assertained from the Shanbhogs' dafter in the Mutt. For Mahanavami too, Vartane is given to the Shanbhogue but I don't know how much. Mahabhisheka is performed in the Mutt twice a year. For that too, the Shanbhog gets a Vartane but Idon't know how much. I also get a share of that but I don't remember what share. Pay to Sudra servants is disbursed through the Shanbogue. He with holds his dusture out of it but I don't know how much. The Shanbogue keeps a servant to look after his poney and other work, and his pay came from the Mutt funds. Varshasana is also paid by the Mutt. I don't know how much. My Varshasane is 42 Rs. a year. Of the 63 Sevaka Vrittiyavaroo, not one is paid any Salary by the Mutt. The office of Chikka Nevedya has been in my family for the past 4 or 5 generations. In our absence others used to do our duty. It was Sreenivasa Char who reported the loss of the tanmani to the Swami. And so was the loss of the ambari. The several persons who left the Mutt after the theft did so with the permission of the Swami. There was also a guard at the door. The jewels in daily use, were being kept in the devaramane itself. The Swami stays in that room. When he comes out, Brahmans guard the room. 3rd plaintiff and I came away from Punderhatti because the Swami sent us here in connection with the theft of Ambari. The Swami sent 3rd plaintiff to give evidence in that case. I came away on my own business. 3rd Plaintiff went back to the Mutt. I did not again go, because the Swami made an order that no body belonging to Nursipoor should come into the Mutt. How long after I came away, this order was made, I don't know. 2 years ago the Mutt appointed me a teacher on 3 Rs. a month. Purooshottamachar got me this appointment. Only 5 or 6 persons were excommunicated. I was not one of them. Goonda Char too belongs to Nursipoor. He was in the Mutt when the Ambari was lost. I don't know if he was one of those whom the Mutt excommunicated. I don't know his handwriting well.

Re-examined.—It is only when the Shanbhog keeps ponies, that fodder &c., are given. When I was in the Mutt I saw the several payments above named being made to the Shanbhog. II is the account patti given me. It is in Rayasada Krishna Char's hand-writing. The further hearing of the suit is adjourned till 10 A. M., of the 21st instant.

(Signed) C. SREENIVASIENGAR,
Sub-Judge.

19—10—89.

21—10—89.

Parties as before.

Defendant's 5th witness Annia Char On. Solemn affirmation. Ramakristnappa of the Palace has sent an *agna Patra* through me. III is that paper.

Cross-examined.—Nil.

Defendant's 6th witness A. Ananda Rao Advocate On Solemn affirmation.

I was summoned to produce an agnapatra. I could not find any. I remember to have received one when the Ambari case was going on. I have not preserved it.

Cross-examined.—Nil.

By Court.—That was in connection with the conduct of that case, To the best of my recollection I received none about Plaintiff's removal from office.

Defendant's 7th witness Krishna Char On Solemn affirmation. Ramugiri Shama Char's son has sent an agnapatra through me I produce it. (marked IV.)

Cross-examined.—He is now in Mysore. I don't know whether he attended the Court other day or not. I am related to him and am living in his house. The Mutt authorities send me to houses of people for collection of fees &c., Shama Char's son was not summoned in this suit. This morning he called me and asked me to deliver this paper to the Court. I know deceased Shama Char's handwriting. I see the signature under it now shown to me. It is not his. Defendant's 7th witness Vedavysa Char on Solemn affirmation.

I was in the Defendant's Mutt for some 20 years. My post was that of Jhari and Dwarapalaka. I am not employed in the Mutt. I ceased to serve the Mutt 2 or 3 years ago. I had taken the Tanjore Mattadhikara on Gutta. I gave it up a year ago. I was not in the Mutt when the Swami came to Madras. I know that 3rd Plaintiff was doing the duties of Shanbogue in the Mutt. He was out of office for 4 or 5 months during the time of Satea Yeshta Swami. He returned to duty in Satea Parakramaswami. I was not in the Mutt during the time of that Swami. Satea Veeraswami took Plaintiff's into the Mutt after an absence of 7 or 8 months. I know Bhimsenachar. He is now doing the duties of Shanbogue. He also did those duties for a short time in Sateaparakrama Swamy's time. When Plaintiff's were out of office in Sateayishtar's time, Dambal Guru Venkatachar was doing the duties of Shanbogue. I was at Korlahalli when Defendant was installed. That installation took place in a manner acceptable to all our people. the 3rd Plaintiff was not then present. Nor did he object. I was not in Madras when the Ambari was lost. I had the lease of the Matadhikara for 4 or 5 years. The annual gutta was 200 rupees. I used to pay the same to the Mutt. I paid nothing to the 3rd plaintiff nor did the Swamy tell me to make any payment. 3rd plaintiff was getting no salary.

The Mutt used to give him some money occasionally. I don't know how much. I went to Poona with Satea Parakramaswami. He contracted debts owing to that being a famine year. He stayed there for two years.

Cross-examined.—I did not stay permanently in the Mutt for 20 years. I used to go and stay for 2 or 4 years at a time. I was not there at all during plaintiff's alleged alsence in Satea Parakrama Sawamy's time. I personally know of only one absence of plaintiffs and that was for 4 or 5 months in Satea yishta's time. 3rd plaintiff then absented himself from duty owing to a misunderstanding between the Swamy's son and 3rd plaintiff. The Swamy's son wanted to manage everything himself. Hence the quarrel. I don't know if the Swami made any gift to his son. I went to Korlahalli of my own accord. I had been in the Mutt for 5 or 6 months previously. The ashrama may have taken place on Dasami but I don't remember well. Havana takes place on the day preceding that of Ashrama. Vrija Homa takes place on the day following that of Ashrama. I don't remember on what day this was performed. I have not read the Dharma Shastra. To the best of my recollection rupees 20 or 25 thousand were contracted at Poona. Gold koda, Somasootra and gangala were pledged therefor. I know Bheema Balachar. He is the son of Parakrama Swami. His marriage took place not in Poona but a place some 4 or 5 gavadas from Poona. This did not take place during the Swamy's sojourn at Poona. His Sister (Swamy's daughter) was also married about that time. I don't remember the exact year in which the Swami was at Poona. None of the Mutt officials gets pay. No body gets Vartane. The Swami used to give Agna patras addressed to Grahsatas. Dwarapalakas used to deliver them to take what money they might be given. 8 or 10 years ago I once held the Matadhikara of Tanjore. Even then I paid the Plaintiffs no Vartane. I now manage the Mutt garden and look after the feeding therein. Purashottama Char wrote to me and so I am come here now.

Re-examined.—Even the predecessors of Satea Parakramaswami used to contract debts and repay them. I don't know all that. The Swami has power to remove and appoint Mutt officials.

By Plaintiff's advocate with the Court's permission. I hold no haqdari office in the Mutt. The Swami does appoint and remove people but I can't give instance.

Defendant's 8th witness, Poorna Char on solemn affirmation. I am a book keeper in this Mutt. I have held this appointment for the last 10 or 15 years. I stay with Swami. I was with him when he visited Madras. I know that a tanmani and then an Ambari were lost. The interval was about a month. These and other articles used to remain in charge of the Woograneeka. Guru Krishnama Char the holder of that office died a year before that. After his death, all the

jewellery used to remain in 3rd Plaintiff's charge. The Treasure was in a Wugrana on the beach, articles taken out for use during Navaratri used to be secured in a room the key of which was in 3rd Plaintiff's possession. The Swamy questioned him about the loss of the tanmani. 3rd Plaintiff replied that he had kept it there but that he did not know how it had disappeared. The Swamy said that 3rd Plaintiff was responsible but he did not punish any body. Sangli Subbannachar, and 1st and 2nd Plaintiff's father and 1st Plaintiff were in the Mutt at the time. I don't remember whether Sangli Subbannachar's brother was also there or not. Sangli Subbannachar had come there to beg the Swamy for some money. 3rd Plaintiff sympathised with the Swami and fasted, saying what is to be done. I don't know who has taken away the ambari. I had kept it here The Swami was then staying in Triplicane. For Biksha he used to go to Mylapur and other suburbs. On one of those occasions he was at Mylapur for 2 days. It was after his return that the loss of the ambari was reported. 15 days afterwards 1st plaintiff and Sungli Subbanna Char and several others (boys and men) went back to Narsipur. Some 50 or 60 Brahmin Servants always stay with the Swami. They come and go. When they come, some post is given them. The Swami has the power of appointing and removing these people. I have known 3rd plaintiff for 30 or 40 years past. His cousin and brother and father and he used to do the duties of Shanbogue. Whenever the Swami got angry and sent them out other people used to act for them for a few months. Bheemasena Char did those duties for a year or a year and a half. This was in the days of Satea Parakrama and Satea Veeraru. As I was very young before that, I don't know whether plaintiffs had on any other occasion been removed from office. For some time, I was doing the duties of Havildar and Parpattegar. Plaintiff's were getting no pay. But they used to take all the emoluments attached to their office. I don't know what they were. In Sateaparayanar's time my grand father was in charge of the Wugrana. Being very old he took leave and came away delivering over charge to Gurukrishnama Char. It was after that I went to the Mutt. I was then given the posts of book-keeper and Woogranika. I was in charge of the Wugrana for 15 years. After that, at the Swamy's instance, I handed over charge to Guru Krishna Char. The Swamy said "Why do you want two or three offices. Give him charge of one" I was in Poona with the Satea Parakramaswami. He was there for a year and a half. He stayed there for Chaturmasam. He prolonged his stay owing to famine. Thousands of people began to seek food in the Mutt. There was very little earning. So debts were contracted. I was then the Parpattegar of the Mutt. Exhibit IV appears to be in Venkataramana Char's handwriting. It bears the Swamy's seal and Signature. I was in the Mutt when the Swamy went to Indore of the Nizam dominions. 3rd plaintiff's brother Venkenna

Char was there acting as Shanbogue for 2 years, the 3rd Plaintiff being absent. After 3rd Plaintiff's return, all were sent out includidg his brother. Venkatramanachar the writer of IV was next doing the duties of Shanbhog. I don't know how long, because I came away to Narsipur. There was a litigation in Indore.

Cross-Examined—I was there at the time. I left the place some 15 days after the commencement of litigation. The Swami did not let me to go away. I got and therefore took leave and came away. I may have signed the petition addressed to the Indore sirkar. I don't remember to have done so. I have been staying in the Mutt for 4 or 5 years at a time. I don't know who my grand father's predecessor as Book keeper was. I held that office until 3 years ago. The Swami next put me in charge of a Matta and a Village near Mâna Madurê. For Mahasamaradhané lots af people come from distant parts of the country. Sangli Subbannachar and his brother and others must have left after taking leave of the Swami. Gurukrishnachar was in charge of Wugrana for 7 or 8 years. His son Veni Madhavachar was not in the Mutt when he died. I don't know how long Venkatarmanchar worked in the Mutt. Bheemasênachar did duty for a year but I simply heard of it. Padmanabhachar did duty for a month in Satya Kamar's time. This was 15 years ago. I was in the Mutt at the time. I have been paying visits to the Mutt for 30 years past. With the said 3 exceptions plaintiffs have always been doing the duties of Shanbohg. I was in the Mutt until Staya Veeraswami went to Ramêswaram. 3rd Plaintiff was with the Mutt until the camps of Pandrahatti and Manjakoppam were reached. The Swami was in Madras for a year. Pandrahatti was reached some 6 months subsequent to the loss of Ambari. The Swami then sent 3rd plaintiff to Mysore but I don't know why. He returned to the Mutt in 5 or 6 days. We were then at Manjakoppam. From there he again left for Mysore but I don't know why. Vencanna Char was not with the Mutt in 3rd plaintiff's absence. He came to Manjakoppam. I don't know upon what sources of income plaintiff's remuneration depends. I am paid Varshasanam. People getting Maryada from the Mutt are made to give me some vartane. During Mohasamaredhane, Moharnowmi, Lakshami Pooja and such other occasions Vartane is paid to all the Mutt officials according to their rank and position. The Shanbhog ranks highest of all. Alankarada Gunda Char was in charge of the wastrada wugranna in Madras. He used to keep the wastras or cloths in the Same room as the one in which 3rd plaintiff was keeping jewels &c. The 3rd plaintiff as Shanbhog did go with the Swami to Mylapore and other places. The property in the Mutt used to be looked after by his men and by the usual guard.

Re-examined.—The said Gundachar was not in Madras when the Ambari was lost. He was present when the Tunmani was lost. The 2 or 3 persons above named held the office of Shanbhog not because the 3rd plaintiff was on leave but because he had been turned out by the Swami. At the said festivals all the officials including the Shanbhog get Rs. 2—10—0 or Rupees 2—14—0 each. There is another official who is higher in rank than the Shanbhog. He is always the son or other relative of the Swami.

The further hearing of the case is adjourned till the 23rd proximo, as most of the remaing witness are absent. The Defendant's Advocate should on that date produce all the papers that he has been directed to produce.

(Signed) C. SREENEVASSIENGAR,
Sub-Judge.
21—10—89.

Altered to 28th Instant.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
23—11—89.

28—11—89

Parties as before.

Defendants 10th witness Rajachar, on Solemn affirmation.

I had taken the villages of Vengali and Kootambak on Goota from the Mutt. I held the lease for 20 or 30 years. I gave up the villages 4 years ago. The lease commenced in the days of Satea Parayanaswami. From that time forward, I used to pay occasional visits to the Mutt. Exhibit V is a Takeed received from the Mutt. The takeed received before this one is missing. VI is a Patti received by my father from the Mutt. VII and VIII are similar patties received from the Mutt. IX is also a Fysalati Patti. I was never directed to make any payment of Vartane to 3rd plaintiff. I have known the 3rd plaintiff for a long time, that is for the last 10 or 20 years. He and his cousin Sreenevasa Char were duing the duties of Shanbogue. Also Rayasada Krishnachar and Venkannachar and 3rd Plaintiff's father. Besides this family, one Venketramanachar did this duty for a year or two in the days of Satea Parakramaswami. 3rd Plaintiff was not then in the Mutt. This was probably owing to some dispute. It was at that time that I received Exhibit V. Bheemasenachar is the present Shanbogue. I am not aware of any body else ever having done the duties of Shanbogue. IX was given me when I had been to the Mutt. Bheemasena Char wrote it. He was then doing the duties of Shanbogue. 3rd plaintiff was not in the Mutt at that time.

Cross-examined.—I have been paying visits to the Mutt for 10 or 20 years past. I stay there for a month or two, settle accounts and come away. So I don't know how many Seva Vritti men there are in the Mutt. In all I may have

paid 10 or 20 visits. Rayasa Krishna Char is 3rd plaintiff's younger brother but was given away in adoption. Satea Veeraswami visited Vellore. 3rd plaintiff and his cousin Sreenivasa Char were the Shanbogues when the Mutt was in Madras. When at Vellore, Sreenivasachar was alone doing the duties of that office. The Swami stayed at Vellore for a month. I did not accompany the Mutt in its onward tour. I had been to Gulbaraga when Venketramanachar was Shanbogue. I was there for about 10 days. About a year after that I sent my son Sreenivasachar to Balagoondi and he brought me Patti IX. I had not then been to the Mutt. I went to the Mutt 2 or 3 months after my return from Gulbarga. The Mutt was then at Yadagiri. It was then that I saw Bheemaseachar doing duty in the Mutt. Except on these two occasions, I always found 3rd Plaintiff or his cousin doing the duties of Shanbhogue. I don't know whether the Shanbhogue and other servants get pay or Vartane or anything else. I was asked to pay the gutta to the Mutt and I did so. That is all I know. It was Bapu Row that renewed my lease in Satea-Veerateertha's time. Even then the villages were in my possession. I had given a plain paper document. I then executed a stamped and registered lease. The Swami afterwards cancelled it as I said I could not pay him an advance of 1000 rupees. I don't know if 3rd Plaintiff got it cancelled. The Swami was then at Hydrabad. He then sent one Poornanachar who has since been in charge of the villages. I know the village of Chowtihalli. Defendant's predecessor leased it to me in Parthiva and I am still in possession of it. The 3rd plaintiff was then in the Mutt. I accompained the Mutt to Chidambaram. Venkanna Char was then in the Mutt. 3rd Plaintiff had left for Mysore as directed by the Swami. Venkanna Char was doing duty in his absence. He stayed at Chidambaram for 2 or 3 days and then left, because the Swami told him to leave the Mutt. The Swami had sent 3rd plaintiff about some case. The case was spoilt. The news of this reached the Swami at Chidambaram. Hence the Swami sending away Vencanna Char. I never paid Vartane to the 3rd plaintiff.

Re-examined.—Nil.

Defendant's 11th witness Rama Char on Solemn affirmation. My father and brother held a post in the Mutt, viz., Wustrada Wugrana. I had taken the villages of Mudigere and Bommadehalli of the Belur Taluk on gutta from the Mutt. My father and brother first held the lease and then I. I gave it up 3 or 4 years ago. I produce account patties X to XVI. These were sent to me by the Mutt. I never paid any Vartane either to the Shanbogue or to any other official. The Swami never directed me to pay any Vartane. One Gururaya Char used to recover Rs. 526 from Government every month and pay into my father's hands. That was the

monthly allowance payable to the Mutt. XVII to XXII are patties relating thereto. XXIII is another patti relating to the said two village. XXIV is an agnaputra received from the Mutt. It is in the handwriting of Padamanaba Char. It is the Shanbogue that writes such papers.

Cross-examined.—I was not in the Mutt when XXIV was written. I was in the Mutt for a year in the time of Defendant's predecessor. He died a year after I left the Mutt. I was in the Mutt when it was in Madras. 3rd plaintiff and Sreenivasa Char and Venkanna Char were then in the Mutt. I went with the Mutt to Chidambaram. Venkannachar did not come there. He was sent away from Pandranatti. I don't know why. Owing to the illness of his son and 3rd Plaintiff's son he stayed away. Whether with or without permission I don't know. Goondachar who is instructing plaintiff's Advocate is my elder brother. We live separate from each other. Our father died 6 or 7 years ago. After that Goondachar was managing the villages. For 3 years past, one Karalahalli Sreenivasachar has been managing them. I don't know whether others write when the Shanbogue is otherwise busy. I don't know whether the Shanbogue receives any pay or Vartane. My grand father held the office of wastrada Wugrana. My father afterwards held that post. My brother next held it until 3 or 4 years ago. I am now 38 years old. My brother being in charge of Mutt villages he was absent from office for several years. He would occasionally go and stay in in the Mutt for some months and came back. I don't know whether he was getting any pay or not. I was in office for only one year. I was paid nothing. My father and brother told me that the Mutt paid them Vartane during Maha Samaradhane and Navaratri. How much I don't know. Nor do I know whether other servants likewise get Vartane. The accounts now produced came to my possession at a division between myself and my brother 8 years ago. I see patti marked 7. It does not seem to be in my brothers hanwriting. Nor is the signature under it his. I see A31 and A32. They seem to be be in his handwriting. A33 and A34 seem suspicious. As to all the four, I am in doubt. I never had the independent management of the villages. I used to go there if sent by my brother. I and the Mutt never settled accounts with each other.

Re-examined—Nil.

Defendant's 12th witness Venketramachar on solemn affirmation.

I was in the service of the Mutt until removed a year ago. I held the Matadhikara at Tirupati for 9 years. For the next 3 or 4 years I held a similar office at Gadag. After that I held the post of Shanbogue for one year. Before me, Rayasada Krishnachar and Padamanabachar held that office. My immediate prede-

cessor in office was Venkannachar. He held that post for 3 or 4 years.. His predecessor was Padamanabachar who held the office for 3 or 4 months. I was then very young. This was some 20 or 25 years ago. Satea Parayanaswami removed Rayasada Krishnachar who belonged to plaintiff's family and put in Padamanabachar. I don't know why, because I was not then present. I went back to the Mutt 4 days after that removal. The Swami did not tell me anything about it. Rayasada Krishnachar and others were taken back on the recommendation of Vakeel Sreenivasa Row. This was by Satea Kamateertharu. It was some 8 or 10 years after that, that I began to do duty in the Mutt. The 3rd plaintiff was then removed and I was sent for. I don't know why. The 3rd plaintiff was then conducting a litigation against the Swami at Indore. The Swami was also at that place then. The 3rd plaintiff was not paying visits to the Mutt. He got back into the Mutt in the days of Satea Veeraswami. Bheemasenachar was doing duty as shanbogue after me. XXV is a power of Attorney given me by the Mutt. It is in Bheemasenachar's handwriting. The Swami then was Satea Parakramaru. I did go to the Mutt during his time. It was then that Bheemasenachar was appointed Shanbogue. He was in office formerly a year. 3rd Plaintiff came again in Satea Veera's time and entered upon his duties. Bheemasenachar got in again after 3rd plaintiff was sent away in connection with the theft of Ambari when power XXV was given me, the Swami was at Bulkoondi. I don't know whether any dispute arose at Moondragi. Exhibits IV and V are in my hand writing. I was then doing the duties of Shanbogue.

Cross-examined.—I was in office only once and the duration thereof was about a year. I handed over charge to Bheemasenachar and went away. I don't know how long he was in office. I don't know what the litigation at Indore was about. I know Venkata Madhwachar. He is Satea Parayana Swamy's son. Dambalada Padmanabhachar was appointed about the time of Satea Parayana Swamy's death. The latter's son was then present. I was not then present. Nor when Satea Sandru was installed. I went there 4 days afterwards. I was being paid no salary during the one year I was in office. Nor was any Vartane being given me. I was to be paid money for the expenses of marriage, Moonji and Shradas and Pakshas. I used to take one meal in the Mutt. For the other meal rice and condiments were being given. My pony used to be fed by the Mutt. Either I used to groom the pony myself or a man used to come from the Mutt and do it. My father died when I was in office and I was paid 200 Rs. for the expenses of his obsequies. Not one Savaka Vritti man has a right to any Vartane. The Dwara Palukas divide between themselves the income obtained by Mudredharne. A portion used to go to the Mutt. I don't know all that, because I did not attend to all that work. As

directed by the Swami I was only writing Raysas and some accounts. Satea Parakramaru was alive for about a year and a half after 3rd plaintiff's litigation.

Re-examined.—Nil.

Defendants 13th witness Lakshmikantachar on solmn offermation.—I am a dependant of the Mutt. I was in the Mutt when the Swami was at Madras. I was there when the theft of ambari and tanmani occurred. 3rd Plaintiff was also present. All costly ornaments used to remain in charge of 3rd plaintiff and his cousin. They used to keep them in a room which they were in charge thereof. They used to lock the door thereof. There was no gaurd there but there was one at the outer door of the house. 3rd plaintiff and his cousin reported the loss to the Swami. The tanmani was lost 10 or 15 days before the Ambari. The loss of both was reported by 3rd plaintiff himself. All the servants and others in the Mutt were sent for and questioned. They said they did not know. 3rd plaintiff and his cousin was not then punished. The building belongs to the Mutt. It is a Totti house. The swami occupied one set of rooms while the treasure was in the room opposite. The Swami used to go out for Biksha and stop away for 2 or 3 days at a time. 3rd plaintiff and his cousin used to stay with him during the day, and come back and sleep in the treasure room during the night. Some times both used to go out with the Swami and at other times only one of them. Sangali Subbanachar was then staying in the Mutt. I don't know his younger brother. This man was in the Mutt for a month or a month and a half and then went away after the theft of both the articles. After 2 days after the loss of the tanmani the 3rd Plaintiff reported to the Swami that it was found in a niche. This he did at 5 A. M. when the Swami was in the Devermane. He came out and sat down. 3rd Plaintiff showed him the jewel. It was all right except that the pearls were gone. I went to the Mutt 11 years ago. The Swami then gave me the post of Balasêve (personal attendant). I worked for a year or two and then went away. I was with the Mutt at Balagoondi. Bheemasanachar was doing the duties of Shanbogue at that time. This he did for about a year. I don't know where 3rd plaintiff was at the time. I heard he had been expelled from the Mutt. He rejoined the Mutt 2 or 3 months afterwards *i. e.* in Satea Veerur's time.

Cross-examined.—I was in charge of one of the Mutt villages until 6 months ago when the Swami removed me but I don't know why. He has sent me no takid. He sent word to say I should not interfere. I was in the Mutt at Madras for 5 or 6 months. Sangli Subbanachar came 3 months after I went there. I was present near the Swami as usual when 3rd plaintiff brought and gave the tanmani. He did not tell the Swami that Goondachar or any body else had found it and brought it to him. Lots of people from different

parts of the country had come for the Mahasamadharane. I don't know where the Wastrada Woograna was put. I know it was not in the Treasury room. It was this Goondachar that was then in charge of the Wastrada Wugrana. The treasure room had no window opening outward nor was a guard posted near it. I left Madras about a month befere the Swami moved from that place. I served Satea Parakramaru for 1 or 2 months and Satea Veeraru for 1 year. For my livelihood, I was being paid so much a month. For some time I was paid at 10 rupees a month. The pay was afterwards raised to 15 rupees. The Yedaseveyavaru had more arduous work and used to get from 12 to 25 rupees a month each. I don't know whether the Shanbogue is a higher official than all other officials. I don't know what his pay or emoluments were, or what the other officials used to get. I used to get no Vartane either in Navaratri or in Mahanavami. Fees are levied for Mudradhane. The whole of it goes to the Mutt. Neither we nor the Shanbogue, nor any body else take shares therein. When Narasipur people were removed owing to the theft of ambari, I was not also removed. I did go to Kombaconam again but did not beg to be restored. The Swami then sent for me and asked me if it was true that at Arnee the 3rd Plaintiff had done an act dangerours to the Swami's life and that I had assisted him therein. I said "no" but that the 3rd Plaintiff had told me that his people were under the influence of witchcraft and asked me if I knew any body who could cure that affliction. I also said that I knew such a person at Arnee and that I introduced him to 2nd Plaintiff, I said nothing more. After that, I was in the Mutt for a month. I left when the Swami went away towards Rameswar. I don't know whether any body used to go into the said room in order to see 3rd Plaintiff and talk him. I never went to that room. I don't know whether after the loss of tanmani,, the Swami sent for Goondachar's bundle and searched it.

Re-examined—Nil.

Defendant's 14th witness Ramachar on solemn affirmation. I have taken the village of Tummunikatte on lease from the Mutt. I have held this lease for 6 or 7 years past. XXVI XXVII and XXVIII are account Patties relating thereto. They are in 3rd plaintiff's hand-writing. Patti XXIX is in Bheemasenachar's handwriting. And so is Patti XXX. I have never paid any Vartane to the 3rd plaintiff nor was I ever directed to make such payment to him or to Bheemasenachar.

Cross-examined.—Defendant before his installation was named Jayarayachar. Purushottamachar is a distant cousin of mine, and so is the defendant. I don't know Datare Sreenivasa Rao. I have paid visits to the Mutt since Satea Veerar's time. Before that, I had not seen the Mutt or held any lease I live at Karlahalli. Defendant's son is Sêtu Madhwachar. His marriage took place at Hanagul two years ago. I was not present. He married the said Sreenevasa Rao's daughter.

Re-examined.—Nil.

Defendant's 15th witness, Hyath Saib, on solemn affirmation. —I am a sepoy in this Mutt. I had been to Madras with the Swami. The Swami then put up in the Mutt at Triplicane. 3rd plaintiff and his cousin were also in the Mutt. I mounted guard for two hours a day. Sangly Subbannachar was also then in the Mutt. I know of the theft of Ambari. 3rd plaintiff had kept it and other valuables in a room. 3rd plaintiff himself used to lock and unlock the door. He used to sleep in that room during the night. He and his cousin used to sleep there and nobody else. I mounted guard at the outer door of the building. One day the Swami went to Sydapett. The treasure remained in the said room. The sepoy was outside as usual. That night 3rd Plaintiff's cousin Sreenivasa Char came and slept in the said room. From 2 to 4 A. M. I was the sepoy on duty. At 3 A. M. Sreenivasa Char's son the 1st Plaintiff came to the Mutt from the house. He and his father talked together in that room for half an hour. After that the 1st Plaintiff went away to his house while his father slept in the said room. 1st Plaintiff covered up his head and body with his Dhoti and left the Mutt. It was not usual with him to come like that in the middle of the night. At 4 A. M. my Duffadar Hassan Saib relieved me I then reported to him that 1st Plaintiff had come, talked with his father for half an hour and then left. I did not tell him that he had covered himself with a cloth. Some 20 days afterwards, it transpired that the ambari had been lost. On that night 3rd Plaintiff had gone to Sydapett with the Guru. 1st Plaintiff's visit was thus paid after the loss and recovery of the tanmani. I had heard of that loss and recovery.

Cross-examined—6 Sepoys were doing guard duty, at 2 hours each. When I was on duty the others were asleep. Some valuable articles were in Plaintiff's charge in the said room while the rest of the treasure lay in another house which was 2 or 3 furlongs off. There were two windows, one on each side of the outer door at which I was on duty. The property room could not be seen thro' that window. The daffedar is not only our superior but must also do duty as sentry. Above him, there was Havaldar Narana Char. 1st Plaintiff did not hide his face but had the Dhoti on his head and body. I was then wide awake. The door near where I was being left unbolted though shut. So it was that day also. While on guard duty I keep a sword. I challenged 1st Plaintiff who told me who he was. He was free to come and go. And so, I did not object. But never before had he come so late in the night and left at once. I did not object because his father was inside. It is usual with Mutt officials to come at all hours of the night and sleep in the Court yard but not in the treasury room. The room is not visible from where I was on duty. The Swami used to sit in the room opposite to the treasure room. I could go within 4 or 5 fathoms of the treasure room. I did not follow 1st plaintiff

into the house. I did not see him go into the said room. I say he went there and talked to his father, because I heard their voices from that room. What they spoke about I don't know. All but 1st plaintiff's father had left with the Swami. He was the only person in the Mutt that night. When 1st plaintiff was going away I did not ask him why he was going away so soon. I did not suspect him at the time. I was the only person that saw him go in and come out. It was not for me to make a report to the Havildar. He had also gone to Sydapett with the Swami. The Swami returned on the second or third day. We have been in the service of the Mutt from my grand father's days. 10 or 15 sepoys have thus been in the Mutt for several generations. For 4 or 5 years past there have no such Brahmin officials in the Mutt. Before that there were several. Subadar Kirshnachar and the Shanbhog's family (Plaintiffs) were such. Also Alankar Goondachar's family. This Goondachar used to make purchases of cloths and provisions. He used to keep shawls &c., either where we were on guard or in the other house but not in the Treasure room. I have never been into the last mentioned room. The Swami did send for me and Hassan Saib and held an enquiry. This was 2 or 3 days after the theft of Ambari. We were not questioned together but separately. Brahmins were present, but I cannot say who, 3rd Plaintiff was not present. I don't know if Sreenivasa Char was present. I was asked if "strangers had ever come into the Mutt" and I said no. I did not tell the Swami that 1st Plaintiff had come and gone. I was examined in the Criminal Case before the Assistant Commissioner. I did not see the 1st Plaintiff bring any thing from inside.

Re-examined.—I was not present when Hassan Saib was questioned.

By Court.—When the 1st plaintiff went in he had the Dhoti on his body *i. e.* from the neck, but not on the head. My pay is 5 Rs. a month. I did not again talk to Hussansaib about this visit of 1st Plaintiff. I don't know whether anybody came during his watch also. He told me nothing about it. When I made the report, he told me nothing. The next day in the afternoon the Daffedar went to Sydapett but I don't know why. I did not go. I don't remember whether I made statements before the Magistrate inconsistent with my present statement. I forget, because all this took place 4 or 5 years ago.

Defendants' 16th witness Shek Hussan on solemn affirmation. I have been a Daffedar in the Mutt for the last 10 years. I went to Madras with the Swami. The jewels where kept in a room in the Mutt. They were in charge of 3rd Plaintiff and his cousin. They used to lock and unlock the door. Nobody else had access thereto. One day. Sreenivasachar came and lay down in that room. Before that, I never saw him or 3rd plaintiff or anybody else sleep inside that room. They used to sleep in their house or in the Mutt but I don't know

where. On that night the Swami was at Sydapett. He left either that very day or on the preceding day. He used to go from suburb to suburb. On that day I think he was at Sydapett. He returned probably the next day or the third day. I always keep watch in the Mutt, I don't take the duty by turn. On the said night I was at the outer door. At 5 a. m., the 1st Plaintiff came to the Mutt. He went into the said room, talked to his father for half-an-hour and then went away. I could hear their voices from where I was. 1st Plaintiff left with a dhoti on his head and body. When he went in he had the dhoti on his body but I did not notice whether he had it on his head also or not. Of 6 persons, five go to sleep. The 6th does duty for 2 hours and is relieved. I relieved last witness at 4 a.m. I had never before seen 1st plaintiff come during the night or go into the room. At 6 a. m. the 1st plaintiff's father came out with his bed. He went home. At 8 a.m. I went to Sydapett and reported to the Swami what I had seen 1st plaintiff and his father do. Some 21 days afterwards I heard of the loss of the Ambari. The Swamy did not again question me about this. The last witness told me when I relieved him that the 1st Plaintiff had come, talked with his father for half on hour and then left.

Cross-examined.—From where I was I could see the door of the treasure room. I heard only voices and nothing else. The last witness was sleeping when 1st Plaintiff came during my watch. Sreenivasa Char was the only person who slept in the Mutt that night. He took his supper and came. There was a light burning near me. It was usual for Brahmins to sleep inside the Mutt but they had all gone with the Swami that day. I did not notice the manner in which 1st Plaintiff's hands had been adjusted. I have seen Mylapur which is only a mile from the Mutt at Triplicane. Sydapett is in another direction and may also be a mile from Triplicane. I went alone. The last witness did not go with me. I walked. The Swami sometimes sleeps until late in the morning. The officials too do not get up at any stated hour. I made a report to the Swami direct and not through any body else.

Re-examined.—Nil.

By-Court—I did not consider myself authorised to question 1st Plaintiff so I did not ask him why he came again. I was examined in the Magistrate's Court. The guard is not transferred into the Mutt building when the Swami is not in theMutt. I did not say so in the Magistrate's Court.

The further hearing of the suit is adjourned till the 3rd Proximo.

(Signed) C. SREENIVASAIENGAR,
Sub-Judge.
28—11—89.

Defendant's 17th witness, Vencannachar, on solemn affirmation.—For 20 or 24 years, I held certain villages under a

lease from the Mutt. I have been paying visits to the Mutt since the days of Satya Kamaru. I never paid Vartane to the Shanbhog or other official. XXXIV is a Karcha patti given me by the Mutt. XXXV to XXXVII are Fysalati patties given to me by the Mutt. The Karch patti was given me in the days of Satea Parakramaru. Formerly Latchmi Kantachar was managing the village of Atkur. He gave it up in Parthiva and I have since had the management of the village. He refused to give up the village. The Swami wrote to the Taluqdar who compelled the said lessee to give up the village. XXXVIII is an authenticated copy of the Swamy's yadi. Since them, the said achar has been in bad terms with the Mutt. Guruvenkata Char was doing the duties of Shanbhog during time of Satea Yêshtaru. Venkatramana Char performed those duties for a short time during the days Satea Parakrama Swami. He was succeeded by Bheemasenna Char. As the 3rd Plaintiff presented petitions at Raichur, he and his bother Krishna Char were removed and Guru Vencata Char put in.

Cross-examined.—The Mutt was then at Atkùr. I was in the Mutt when Guru Venkata Char was appointed. He is now alive. I left 15 days after he was put in. 3rd Plaintiff's office is that of dafter or Shanbhog. I used to see not 3rd Plaintiff but Krishna Char doing duty in the Mutt. Within 8 or 10 days of Satea Parakramar's installation I went to the Mutt and found that 3rd Plaintiff had been restored. I don't know whether any and what remuneration is paid to the Shanbhog. I know Bheemasenachar's handwriting. I am still a lessee under the Mutt. I don't know whether the office of Shanbog is heriditory or not. Satya Veeraswami restored to me land which have been taken away from me by Lakshimi Kantachar. I get Varshasana from the Mutt for Pranadewara pooje.

Re-examined.—Nil.

Note:—Plaintiff's Advocate offers to put in two papers for the first time to day. This witness admits that they or in Bheemasenachar's handwriting and bear the Mutt Seal. But there is nothing in witness's statement to warrant these papers being for the first time introduced during his cross examination.

(Sd.) C. S.

Defendant's 18th witness. T. Venkatramanachar on solemn affirmation.

I have been a lessee of certain Mutt villages for the last 10 or 15 years. XXXIX is Kharch patti given me by Satya Camaswami. XL was given me by Veeraswami. XLI and XLII were given to me by the same swami. Takids XLIII and XLIV are in Vencatramanachar's handwriting and XLV in that of Bheemasenachar. These persons were doing duties of Shanbhog on the dates of these papers. I never paid Vartane to the Shanbog or other Mutt official. I belong to the Tirkoilur Taluk. I know Rayasa Krishnachar. From the days of Satea Parayana to those of Satea Parakramaru. He was both Shanbhog and

Rayasaru of the Mutt. 3rd Defendant was doing duty in the days of Satya Yêshtaru and Satea Parakramaru. Who was the Shanbhog before the days at Satea Parayanaru I don't know. I don't know why 3rd plaintiff was not attending the Mutt in the days of Satya Parayanaru.

Cross-examined.—Krishnachar was then about 20 years old. I don't know who was in office when he was a boy. I was in the Mutt for six years, in those days. I was doing duties of Yada Bala Seve &c. During that period Sreenevasachar and Krishnachar were duing the duties of Shanbog. Dunrig Satya Kamar's time, I served in the Mutt for about 2 years. Krishnachar was duing the duties of Shanbogy then. I have known 3rd Plaintiff for 10 or 12 years past. I know Sreenivasachar for about 16 yesrs. Satya Parayanaru died some 26 years ago. I was also serving in the Mutt as Dwara Palaka. Out of Mudradharane fees, we all used to be paid shares by the Mutt. The Shanbogh too used to receive his share. I don't know whether vartane was being given him during Maharnovami and Mahabhi Sheka. I don't know who all take the fees collected for Padaprakshalnè. The Swami used to give us 100 or 200 rupees when we had occasion to leave for our villages. I don't remember whether I was being paid any Vartanê during Mahasamaradhanè. No officials of the Mutt except sudras get any salary from the Mutt.

Re-examined.—Nil.

Plaintiff's 14th witness:—Purushottamachar recalled and Cross-examined on solemn affirmation.

(For Defendant.)

Before the Ashrama, the Defendant's name was Jayarayachar. He is my uncle's son. The signature under A66 looks like his own. A65 does not look like his handwriting.

Re-examined.—I have seen lots of papers written by him. I have not brought any to Court to day. I did not know that the Plaintiff had produced A65 into Court.

Defendant's 19th witness Bheemasena Char on solemn affirmation.

For 4 years past I have been the Shanbhog of this Mutt. It was Satea Veeraswami that gave me this office. The Mutt was then at Kombakonam. I was never serving in the Mutt before the days of Satea Parakrama Swami. In his days I was in charge of the Mudupu or Nagadi. I was in the Mutt when the Swami was at Indore. In the absence of Havaldar, I was acting for him. For six months before the Swami's death, I acted as Shanbhog. This was because the Swami sent 3rd Plaintiff away saying he did not want him. The 3rd Plaintiff came back from this Province and presented a petition at Indore. XLVI is a copy of the decision passed at Indore. The 3rd Plaintiff appealed to Sir Salarjung. XLVII may be His Excellancy's order thereon. XLVIII is also a paper relating to that litigation. The swami signs Takids, Agna patras and

accounts by mere "Sree". These are sealed below the "Sree" In account Patties, the amount is written after the "Sree" is written at the top and not at the bottom. At the bottom the Swami writes a "Cha". Powers of Attorney, official papers and letters to gentlemen are signed with a full signature. Documents to Sirkar and Sawakars are signed in full and also are attested. Any document which is attested by witnesses will also bear the Swami's full signature. Rayasas, Guttige Patties, and yadees, and powers of Attorney are also signed by a "Ramachendrya namaha" by the Swami. There will be no other signature under Rayasas. Rayasas were not being sealed before the time of the present Swami. Satya Parakrama Swami fell out with the 3rd plaintiff about some Mashashanum collected by the latter. I don't know what 3rd plaintiff did in that connection but I know he was then sent away. It was after that that 3rd Plaintiff complained at Indore. I have had knowledge of Mutt affairs for the past 10 or 11 years. I was never being paid any Vartane for any office I held in the Mutt. Nor is any Vartane paid for Maharnavami, Mahabhisheka and other such events. The Shanbhog keeps a pony. Nothing definite is paid by the Mutt fer feeding that animal. Nor am I given any paddy or rice. No dastoori is recovered from Sudra servants out of their pay. Nor is a percentage paid out of the revenues of the Mutt. I never saw book marked A71 in the Mutt. I have not heard of the existance of a book called Sampradaya book. Doubts are solved by the Swami without reference to any book. I see A67. This does not relate to my time and so I don't know what it is and whose signature it bears. The seal is always put in the middle and not at the side as in A4. Before the present Swami's time there used to be no seal along with Ramachendrayanamaha. The present Swami seals papers at the bottom. I was in Madras when the Swami was staying there. The Dodda Ugrana had three pharas or guards. No article should be brought from it without the Swami's special permission. The Chopdar goes and communicates the Swamy's orders to the guard. The article had to be carried to the Mutt by the Kavadi who will be escorted by a sepoy guard. Nobody could go into the Dodda Ugrana without such special order. I don't know who the Shanbhog was before the days of Satya Parakramaru. I knew the defendant even before his Ashrama. I know his handwriting a little. I don't know in whose handwriting A65 is and whether it is in defendant's handwriting or not. I was in Madras when the tanmani was lost. It was recovered 3 or 4 days after the loss. It lay before the Swami when I went to the Mutt one morning. He said that the 3rd plaintiff had brought it to him.

Cross-examined.—To whom the Shanbhogi office belonged from the beginning, I don't know. I have known 3rd plaintiff and his cousin for 18 or 19 years past. For some time they

were doing the duties of Shanbog. 3rd Plaintiff was in office before I was appointed to act. No, Venkatramana Char was in office 4 or 6 months before me. I served as Shanbogue for 8 months. After that 3rd Plaintiff resumed his duties. His bother Venkanna Char was in office before Venketramana char. For the most part, I move with the Mutt. Satea Parakramaswami died in Pramadhi. I was not in the Mutt when the 3rd plaintiff went away 4 years ago. I returned in a month or two. During the 8 months that I acted as Shanbogue I was paid what I begged for, say 50 or 60 rupees, I am not sure how much I was paid—I don't know what 3rd plaintiff was being paid. The Mutt has been paying me on an average about 250 rupees a year for the last 4 years. The Mutt feeds us only once a day. The other meal must be provided at our own cost. No vartane is paid out of the revenue of villages. There is no such thing as Vartane. I see Patties A74 and A 75. They are in my own handwriting. The seal and signature are Setea Veeraswamy's own. The item of Vartane was dictated by the Swami. I don't know what that means. I did not question him about it. I don't know whether any vartane is paid to any servant in the Mutt. Each Mutt has its own Sampradaya. There is no record. Only a person learned in the Sampradaya is appointed as Swami. As Nagadi official, I was always writing Jamakurch books. I know that bound Jumakarch books have been kept in the Mutt for the past 18 or 19 years. I don't know whether any such existed before that or not. I wrote the opening balance as dictated by the Swami. All these books are now in the Mutt. There are Registers of letters &c., written and sent by the Mutt. They are also bound books. Papers received are arranged and preserved in bundles or dafters. The Diaries or To Registers of the last 3 or 4 years, have been taken to Sholapur in connection with a dispute. I don't know what became of the Diaries of previous periods. I cannot identify the seals and signatures in A 71, as they are illegible. Defendant's former name was Karlahalli Jayaraya Char.

Re-examined.—No charge of papers was delivered to me when I entered on my duties at Kumbakonum or at Indore.

Defendant's 20th witness, Goondachar, (Plaintiff's 10th witness) on solemn affirmation.—I have known Mutt matters for the last 25 years. Rayas Krishnachar was removed from the office of Shanbogue by Satea Parayanaswami. He was thus out of office for 3 or 4 months during which period Padmanabha Char was doing the duties of that office. 3rd plaintiff did not then object on the ground of his being haqdar. No Sannads were shewn at the time. In Sateayishta's time, Guru Vencatachar did the duties of Shanbhogue for 5 or 6 months. The Plaintiff's family was then removed owing to the complaint preferred at Raichore by 3rd Plaintiff. Sateayishtaru died at Atkur. I was then present having gone there 3 or 3½ months before that occurrance. The 3rd Plaintiff came on 9th

or 10th of Bhadrapada Sudha. The Swami died on the next or third day. Nothing then took place between the 3rd Plaintiff and the Swami. Sateadhi Raya Char and a lot of other persons were then at Atkur. The Swami then executed no document to 3rd Plaintiff. The Swami signs in full all papers which are attested by witnesses. Powers of attorney are also attested. They are signed in full and sealed near the signature. I don't know wether A 4 is genuine or not; I cannot say it is genuine because it has not been signed in full and because it is not usual to affix a seal at the top near "Ramachendrayanamaha."

Cross-examined.—3rd plaintiff was not present when the office was given to Padmanabhachar. A lime and some turmeric powder, &c., were found lying where the Swami went to answer the calls of nature. The Swami sent Krishnachar away saying he had reason to believe that he had himself done the thing. Padmanabachar did duty for 3 or 4 months. After that Krishna Char was restored. I don't know the nature of the complaint filed at Raichore. Special fees are recoverad at Bikshas when valuable articles are taken to houses of gentlemen. Those fees are divided among all the Sevavritti servants including the Shanbogue. The division is equal. Nothing extra is paid to the Shanbogue. The Mudracharne fee is divided among the Dwarapalkas. If the Shanbogue comes and does duty as Dwarapalaka, he gets a share. I don't know what was meant by the Vartane mentioned in A 74 and A 75. I was in Court when the witnesses on both sides were examined. As I was at Narsipur when 3rd Plaintiff was turned out I do not know the cause of his removal.

Re-examined.—Nil.

The Defendant's Advocate has no other witnesses to examine.

ORDER.

Most of the Exhibits filed in the case are in Baloband and Marathi which neither I nor the Advocates engaged, understand. They are two numerous to be read to the Court off hand. The parties propose to have them rendered into Canarese and also to get the notes of evidence printed.

Adjourned till the 31st proximo.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
16—12—89.

Schoolmaster Venketnarasimshastri will render the papers into Canarese and compare those produced by plaintiffs with the originals. He must do this in the presence of an official of Court, and of the parties if they appear.

(Signed) C. SREENEVASIENGAR,
Sub-Judge.
20—12—89.

O. S. No. 760 of 1888.

On the file of the Subordinate Judge's Court of Mysore. Evidence of Sreenivasa Rao Sahib Avergal Jagheerdar of Arni given on solemn affirmation on the 12th December 1888 before

the District Munsiff of Arni on interrogatories received from the Mysore Court.

1. I know Ootharaji Mutt.

2. I am a desciple of the Mutt.

3. About March or April in 1885.

4. About 2 months he stayed.

5. I don't know particularly the duties performed by Shanbogue. When I used to visit the Guru the Shanbogue used to be present on the occasion and used to convey messages between very important officers and the Guru.

6. Shama Char was the Shanbogue at the time.

7. I know Shama Char but not his brother Srinivasa Char.

8. Shama Char alone was in Arnee. The other man I know only by name. Answer to the other part of the question is given in the answer to the 5th question.

9. I believe Shama Char received presents from me like the other servants of the Guru. I do not recollect whether he had any emoluments to receive from me. What I gave was what I was pleased to give him. I do not remember but I might have given him a present for bringing a Rayasam from the Guru to me.

10. I have received letters from the Guru.

11. I produce the letter referred to in the question.

12. I do not remember having said anything to Shama Char at about this time.

13. Sreemanth Sree Sattya Veerathirthaswamier.

Answer to cross-interrogatories. The Guru came to my house.

2. I made presents to the Guru and the servants when they stayed in Arni. (Nagaram). I do not remember the particulars of the presents given. Some of the servants got clothes some cash and some received both. To the Mutt I presented clothes, cash and ornaments.

Question 3.—Already answered.

Question 4.—I have not seen any previous Swami.

Question 5.—I do not know of any hereditary right.

Question 6.—Requires no castmen.

Question 7.—I do not know. I never went to his place of business.

Question 8.—I have not brought any such letter. I shall search and if any is found shall produce it.

Question 9.—I hear that there are branches of the Mutt in Southern and Northern India. I have visited two. One at Vellore and the other at Tirupaty. There is a branch Mutt in my place. I do not know of the relative importance of any of the branch Mutts.

Question 10.—I have heard so.

Question 11.—I heard of the theft. I do not remember whom he (Swamy) suspected.

Taken by me on the 12th December 1888.

RAGHAVENDRA RAO,
District Munsiff.

IN THE COURT OF THE DISTRICT MUNSIFF OF TIROOKOILLORE.

Original Suit No. 760 *of* 1888 *on the file of the Sub-Court of Mysore.*

Name.—KANCHI SUBBA RAO, Esquire.

Question 1.—Yes.

Question 2.—I don't not know anything personaliy of the matter. From what I hear and what I have heard it is a hereditary office.

Question 3.—I have received communications during the period mentioned.

Question 4.—I have not preserved the letters and I do not produce them.

Question 5.—I was not directed by the Swamy to tell Shamachar to go to Mysore in the course of the case. The Swamiar expressed a wish that he should be sent to Mysore. I did not tell him to go to Mysore.

Question 6.—Sreesathia Veera Theerthaswami.

Cross-examination.

Question.—1. Shanbogue is the Secretary and accountant of the Mutt.

Question.—2. I received Agya Patrika regarding the dismissal of Shamachar and Sreenivasachar.

Question.—3. As I understand the word hereditary (*e. i.*) service confined to members of one family, I must say to my knowledge Sreenivasacharry and Shamachary have been doing service since my 14th year till August 1885, for 34 years except for a short time in the interval when they were out of office, and they belong to the family of Shanbogues and I therefore say they have hereditary right to the office.

Question.—4. To my knowledge they were dismissed twice during the time of Sree Sathia Parakram Sawmi, they were dismissed for disobedience of Sawamy's orders. They were taken back afterwards by Sathia Veera Swami, on condition that they should render service faithfully and obey Sawmy's orders.

The next time they were dismissed in the beginning of August 1885 by Sathia Veerasawmi after a theft case, against Sreenivasacharry and others was dismissed by the Mysore Criminal Court.

and consequently they were removed They have not been taken back.

Question 5.—I did not intercede on behalf of Shamachary.

Question 6.—There are Mutt buildings in some places but has its honour and influence in almost all places where there are desciples.

Question 7.—So for as I know, the Mutt has its library and records in the building at Narsipur within the territories of His Highness the Maharajah of Mysore. Severally no properties are left in other Mutts. The Swamiar always carries the treasures

of the Mutt with him and does not keep it in any particular place. This is all I could say of the relative importance of the Mutts.

Question 8.—This Mutt is considered as the permanent seat and head quarters of the Swamiar.

Read over to the witness in English and admitted by him to be correct.

(Signed) K. SUBBA RAO,
(Signed) RAMASWAMIYER,
District Munsiff.

Civil Suit No. 760 of 1888.

Plaintiff — *Defendant*

1 Shama Char and another *vs.* Oottaradhi Mutt

Interrogatories.

P. N. Purnayya Esq. Deputy Commissioner of Hassan District duly affirmed.

Question 1.—I know 1st Plaintiff Shama Char and 2nd Plaintiff Sreenivasa Char if he is his brother.

Question 2.—1st Plaintiff Shama Char is Shanbogue of the Oothradhi Mutt. If the 2nd Plaintiff is brother of the 1st Defendant he is also Shanabogue.

Question 3.—Yes.

Question 4.—Hole Narasipore.

Question 5.—I have heard that the late Maharajah His Highness Krishnaraj Wadeyar settled the Guru of the Mutt in that place.

Question 6.—Nanjungode and Sosale are the head quarters of those Mutts as I have heard that they were also similarly settled in these places by the late Maharajah His Highness Kristnaraja Wadeyar.

Question 7.—I believe that the connection ceased between 2 and 3 years ago.

Question 8.—I believe its tenure is hereditary and the duties of the office are to keep accounts, to attend to all the correspondence, to keep charge of the Mutt jewels and property.

(Signed) P. N. PURNAIYA.
21*st January*, 1889.

Taken by me

(Signed) N. MANGAPATHI NAIDU,
Munsiff.

Cross-examination.

Answer 1.—I saw Shamachar once, I think when the Mutt was about Arni Jagir, in Bangalore in course of a casual visit paid by him. This is what I believe now to the best of my memory. Subsequent to this, I saw him again in Bangalore, I think when he went to the Mutt while in the Dharwar or Belgam District to seek final orders from the Guru about him, about 2 years ago, or within the last 2 years.

2.—Yes. I visited the Sathya Kama Guru in Bangalore some 15 years ago many many times, nearly 50 or 60 times.

3. During his stay in Bangalore I visited him almost every day stopping several hours at a time but not stopping away altogether from day to day.

4. I did not hear anything. There was no question at that time.

5. I have deposed to my belief which I have formed from what I have heard from the disciples of the Mutt and of others generally in various parts of the Mysore Province and also in parts of the Madras Presidency. From popular report likewise I have heard that the 3 Gurus of Hole Narasipur, Nanjungode and Sosale were made to settle in these 3 several places during the Dewanship of Mr. Purnaiya under auspices of the late Maharajah. Monthly allowances were then sanctioned for them and fresh Inams granted regarding them as religious Gurus taken under the protection of the Maharajah, and as settlers in the country emphasising their connection with his Government. In case of Hole Narasipore Mutt, to my own knowledge, tamarind trees in the neighbourhood of the Mutt have been given away to it free for use in the daily preparation of food, and pasture lands near Hole Narasipore have been also given in Inam to enable Mutt cows to graze and return in the evening. In these 3 places of Hole Narasipore, Nanjungode and Sosale no Chatrams were established by the late Maharajah as in other places because the gurus were expected to remain there as a permanent arrangement distributing food to all Brahmin visitors and travellers. These arragements would not have been made if Hole Narasipore was only a temporary place of abode and if the building was only one intended to accomodate him during his visits as in Mysore, Bangalore or Madras. These are my reasons amongst others. I have no papers to show this.

6. I do not know when he visited Hole Narasipore. Sythyaparayana Swami visited Mysore about the year 1860.

7. I believe the Mutt has landed property in Madras, Bombay, Hyderabad and North Western Provinces. I do not know about money allowances.

8. Yes. There are Mutt buildings.

9. They reside in Nanjungode and Sosale. They keep the Mutt jewellery and other valuable moveable property in these places during their stay there and carry them with the Mutt when on tour.

10. Not to my knowledge, since my youth the Mutt has always been in tour and has not stopped to my belief more than a year in any place.

11. My knowledge relating to Shanbogue's appointment is not exclusively based upon Shama Char's representations. My belief is formed from what I have heard from parties opposed to Shama Char as well as from the desciples of the Mutt who are respectable and who are perfectly neutral.

12. Shama Char, since his last appeal to the present Guru, about a year or two ago, has seen me twice and has represented his grievances.

(Signed) P. N. PURNAIYA.

Taken by me

(Signed) N. MANGAPATHINAIDU,

Munsiff.

21st January, 1889.

IN THE COURT OF THE MUNSIFF OF TUMKUR.

26th January 1889.

Mr. P. N. Krishna Moorti (Deputy Commissioner of Tumkur) son of Mr. Narasinga Row, aged 39 years on Solemn Affirmation.

Question 1.—I know Matada Shamachar and his brother Sreenivasachar.

Question 2.—I have understood Shamachar to be the Shanbogue of the Mutt.

Questioned 3.—Yes, I am a desciple of the Mutt.

Question 4.—Narasipur, *i. e.* Hole-Narasipur in the Hassan District is the Head Quarters of the Mutt.

Question 5.—I was deputy Commissioner in Hassan in 1879 and 1880.

6. I think there was some correspondence about a Sanskrit School being opened in the Mutt, and also about the payments to be made to the Mutt in the Narsipur Treasury.

7. Because I have heard the Swamy himself and the others interested in the Mutt say so. Also because there is a large building where some property and a large library belonging to the Mutt, are kept. I believe also there is an establishment kept there to look after them. When the late Satya Kama Swamy had come to this province he stopped at Hole Narsipur for several days and he said he stayed there because it was his house.

8. Their acknowledged Head-Quarters are Nanjangode and Sosale.

9. I do not know it. I have no personal knowledge of when Samachar's connection with the Mutt ceased.

10. I have understood it to be hereditary.

Cross-Interrogatories.

(1.) I might have seen him more than a hundred times, it may be a thousand times, before he was dismissed, I had seen him in several places, but under no special circumstances, such as would call to my mind any particular circumstance.

2. Sri Satya Sanklapa Swamy. No Satya Kamaswamy was the only one I saw. I saw him in Bangalore. He was there for some months, for Sankalpa at Siddapur near Bangalore, about the year 1873 or 1874. He had come there some years before that. I had seen Sri Satyaparayana Sawni when he had come to the Palace at Mysore about the year 1860 or 1861.

3. I remained in the Mutt a few hours at each visit, and there were several such visits.

4. I did not hear from His Holiness anything connected with the appointment of the Mutt shanbogue.

5. I have given the source of my information, or the reasons for my belief. I have no papers to show it.

6. I think the Sawmy visited Hole Narasipur about the year 1873 or 1874 when he came to the Mysore Province.

7. There are large Inams but I am not aware of large money allowances in those places.

8. There are Ootradi Mutt buildings in several places in the Madras Presidency.

9. They reside in Sosale and Nanjangode whenever they are not on tour. I do not know where they keep their property.

10. I have already described the only occasion I know of his having resided in Hole Narsipur.

11. No. My information was not from representations made by Shama Char. But I have seen several papers and have heard several people connected with the Mutt talk about it.

(12). He has seen me several times and has been giving his own account of the dismissal.

(Signed) P. N. KRISHNA MURTI.
26th January, 1889.

(Signed) A. VARADARAG IYENGAR,
Munsiff.

IN THE COURT OF THE SUB-JUDGE, MYSORE.

O. S. No. 760 *of* 88.

Plaintiffs.		*Defendants.*
1 Sreenivasachar.	*vs.*	The Ootradi Mutt.
2 Shamachar.		

Answers to the interrogatories to the 3rd witness: Srotriam Mirasidar Sethu Rao.

I. Yes; yes, on the 12th July 1885; In my house on the said date.

II. Swamiar Avergal sent him.
The Stree Swamier.
The 2nd Plaintiff did.

III. I don't know.

IV.

V. Satya Veera Swami Avergal.

2nd Witness Ramachary's answer.

1. I know.
Yes. In Audy of Parthiva.
on the (above) occasion.

2. He said he was going on Swamyees account. The Sawmiar sent him. The 2nd Plaintiff did.

3. One Venkannachar did. I heard he was dismissed.

4. After going to Chillambaram.

(Signed) RAMACHAR.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

C. S. No. 760 of 1888.

Plaintiff.	*vs.*	*Defendant.*
Shama Char and another		Sree Sathya Veera Teertha Sreepadangalavaroo.

Interrogatories to be put to Hanoomathapurada Sreenivas Row, Goomasta of Assistant Collector's office, residing in Poodipallya near Manjacoppa.

1. What year, month and date Sree Sathya Veera Teertha Sreepadangalavaroo had come to Manjacopa ?

In July 1885. It was new moonday.

2. How long did he remain there ?

10 or 12 days.

3. Who was then doing the duties of Shanbhogue in the Mutt there ?

Shamachar.

4. How long did Shanbhogue Shamachar remain there ?

He remainded for 10 days.

5. Where did he go afterwards ?

To Mysore.

6. Why and under whose orders did he go ?

The Swamiyar directed him to go and prosecute a case of theft.

7. After Shamachar left for Mysore who was doing shanbhogues duties in the Mutt ?

His brother Vecannachari.

Read over by myself. It is correct.

(Signed) H. SREENIVAS ROW.

19*th. January* 1889.

(Signed.) A. ANANDA ROW,
Advocate for Plaintiff.

Interrogatories to be put to Nagojee Row record keeper Manja Coppa.

1. What year, month and date Sree Sathya Veera Theertha Swamigaloo had come to Manja Coppa ?

On the new moon day of Audy of Parthiva.

2. How long did he remain there ?

For 16 days.

3. Who was then doing the duties of Shanbogue in the Mutt there ?

Shama Chary.

4. How long did Shanbhogue Shama Chary remain there ?

About 5 or 6 days.

5. Where did he go afterwards ?

He went to Mysore.

6. Why and under whose orders did he go ?

A theft in the Mattam was reported. The Swamiyar sent him in connection with it.

7. After Shama Char left for Mysore who was doing Shanbogue's duties in the Mutt?

I don't know.

Read over to me I acknowledge it to be correct.

(Signed.) N. NAGOJEE ROW.

(Signed.) * * *

District Munsiff.

Interrogatories to be put to Raghavendra Row, Pensioner and late Inspector of Police, residing in Poodapallya near Monjacoppa.

1. What year month and date Sree Sathyaveera Teertha Swamigaloo had come to Manjacoppa?

In Parthiva Jeshta Bahoola new moon day.

2. How long did he remain there?

10 or 14 days.

3. Who was then doing the duties of Shanbogue in the Mutt there?

Shamacharry.

4. How long did Shanbogue Shamachar remain there?

For 10 days.

5. Where did he go afterwards?

To Mysore.

6. Why and under whose orders did he go?

Swamiyar told him to go as a witness in a theft case.

7. After Shamachar left for Mysore who was doing Shanbhogues duties in the Mutt?

His brother Vencanna Chary.

Read over in Tamil. I acknowledge it to be correct.

MYSORE,
19th January 1889.

(Signed) In Tamil,
RAGHAVENDRA RAO.

(Signed.) * * *

District Munsiff.

Interrogatories to be put to Krishnachar of Vyasroy Mutt residing in Tirupapallur near Manjacoppa.

1. What year, month and date Sree Sathya Veera Treetha Sreepadangaloo had come to Manjacoppa?

In Auny of Parthiva I don't remember the date.

2. How long did he remain there?

For about 15 days.

3. Who was then doing the duties of Shanbhogue in the Mutt there?

Shamachari.

4. How long did Shanbhogue Shamachar remain there?

For 10 days.

5. Where did he go afterwaeds?

To Mysore.

6. Why and under whose orders did he go?

He went on business under Swamiyar's orders.

7. After Shamachar left for Mysore who was doing Shanbhogues duties in the Mutt?

His brother Venkanachari.

Read over in Tamil. I acknowledge it to be correct.

Signed in Tamil Prapancha Krishnachar.

(Sd.) A. ANANDA ROW.

Interrogatories to be put to Tookoja Hanoomantha Char residing in Srothria Chilagrama Manjacopa Zilla.

1. Please produce the Moktiarnama executed by Sree Oottradhi Mutt in your favor regarding Kallipadu village?

Yes I produce it.

2. Were you with the Mutt when it was on tour at Madras and Manjacopa and Chidambaram?

Yes I was.

3. Who was doing Shanbhogues duties while Mutt in Madras?

Shama Chari.

4. When and by whom and for what purpose was Shanbhogue Sreenivasa Char sent away?

The Swamiyar sent him on the Panchmi of Jeshta Bahula of Parthiwa for Muttam business.

5. Give the date if possible?

No.

6. After he went away who was doing Shanbhogues duties?

His brother Venkanna.

7. From Manja Coppa who sent away Shanbogue Shama Char and for what purpose. Give the date?

The Swamiyer sent him on some Mutt business. I can't give the date.

8. After he went away who did Shanbogue's duties?

His brother Venkana Chari.

9. On what date the Swami came to Chidambaram and when he remained there, who was doing Shanbogue's duties then. For what reason or reasons were those Shanbogues sent away from the Mutt?

In Aushada Month. Date not known. He stayed there 10 days, Venkanna did. Balakrishna Row said something and the Swamiyar sent them out.

Read over to the witness in Tamil and admitted correct.

Mysore, 19th January 1889.

(Sd.) HANMANTA CHAR in Nagari.

(Sd.) * * *

District Munsiff.

Interrogatories to be put to Notagar Narasimachar residing in Hanumanthapura, Seeyyali Taluk, Tanjore Zilla.

1. When did H. H. the Swami of the Ootharaji Mutt Sree Tathaya Veera Teertha Sreepadangalu come to Chidambaram?

H. H. the Swami arrived at Chidambarum on the Thrithai of Aushada Baguha of Parthiva.

2. Give the English dates or Hindu year month and dates?

I do not know the exact English date.

3. How long did he remain there?

His Holiness remained two days. He remained on Thivithiai and Thrithia.

4. Why did you go there?

I went to pay my reverence to Swami.

5. Who was doing Mutt Shanbogue's duties there?

Venkannachar was Shanbogue.

6. Why, and on what *date* were the Shanbogues sent away from the Mutt?

He was sent out at 10 Naligay on Thrithiai as a suit was decided against Mutt an account of Venkanna's brother's conduct. The Swami sent him out. I know no other reason.

Read over to me in Tamil and found it correct.

(Sigd.) in Tamil.

Taken by me in my presence in open court and translated to the witness.

(Signed) * * * * *

19—3—89,

Interrogatories to be put to Geetha Char, residing in Hanumantha Pura Seeyyali Taluk, Tanjore Zilla.

1. When did H. H. Swami of Oottaradi Mutt. Sree Sathyaveera Teertha Sreepodangalu come to Chidambara?

H. H. Sawmi arrived at Chidambarum on Thrithiar of Ashada Bahula of Parthiva.

2. Give the English date or Hindu year months and dates?

I do not know English date or Tamil date.

3. How long did he remaid there?

He remained for two days.

4. Why did you go there?

I went to pay my reverance to Swami.

5. Who was doing MuttShanbogue's duties then, why and on what *date* were the Shanbogues sent away from the Mutt?

Venkanachar was then doing Shanbogue duties. On. Treethiai he was sent out of the Mutt. I do not know the real reason.

(Signed) * * *

District Munsiff.

Read over to me in Tamil and found it correct.

(Sd) in Tamil.

Interrogatories to be put to Rangia Village Munsiff, residing in Hanumanthapura Seeyyali Taluk. Tanjore Zilla.

1. When did H. H. the Swami of Ootaradi Mutt Sree Sathya Sree Teertha Sreepadungalu come to Chidumbaram?

H. H. Swami arrived at Chidumbara on Thievithia of Ashada Bagula of Parthiva.

2. Give the English dates or Hindu month and date?

I do not know the English dates or Tamil date.

3. How long did he remain there?

He remained for Thivithia and Trithia.

4. Why did you go there?

I went to pay reverence to Swami.

5. Who was doing Mutt Shanbogue's duties then?

Why and no what date were the Shanbogues sent away from the Mutt?

Venkana Char was doing Shanbhogue's duties.

I do not know why he was sent out. It was 10 A. M. when he was sent out.

(Signed)

19—3—89.

Read over to me in Tamil and found correct.

(Signed) in Tamil.

Taken by me in my presence in open Court this day and translated to witness, 19th day of March 1888.

(Signed) * * *

District Munsiff.

Interrogatories to be put to Kooppoo Row School Master of Pachappa, residing in Chidambara Kusaba Manja Coppa Zilla.

1. When did H. H. the Swami of the Oottradhi Mutt Sree Sathaya Veera Teertha Sreepadangulu come to Chidambaram?

On the 15th Audy of Parthiwa.

2. Give the English dates or Hindu year, month and date?

3. How long did he remain there?

For 2 or 3 days.

4. Why did you go there?

I was a student in the school.

5. Who was doing Mutt Shanbogue's duties then? why, and on what *date* were the Shanbogues sent away from the Mutt?

Venkanna Charry, one Balakrishna Row came and informed something to Swamiyer who in anger ordered Venkanna Chary and some others to be sent out of the Mutt at once.

Read over by myself. I admit it is correct.

(Sd.) KOOPOO ROW,

(Sd.)

District Munsiff.

Interrogatories to be put to Hanoomachar residing in Hanoomanthapura Seyyali Taluk, Tanjore Zilla.

1. When did H. H. Swami of the Oottaradi Mutt Sree Sathyaveera Teertha Sreepadagalu come to Chidambarum?

H. H. the Swami arrived at Chidambarum on Thritheai of Ashadabagula of Parthiva.

2. Give the English dates or Hindu year, months and dates?

I do not know English date or Tamil date.

3. How long did he remain there?

His Holiness remained for two days, Thivithiae and Thrithiai.

4. Why did you go there?

I went to pay Reverance to Swami.

5. Who was doing Mutt Shanbogue's duties then?

Venkanachar was doing the duties of Shanbogue.

6. Why, and on what *date* were the Shanbogues sent away from the Mutt.

Swami was dissatisfied with the defeat of a suit. He was argry and then ordered Venkana to go out. So he went out.

Read over to one in Tamil and found correct Taken by me in my presence in open Court and translater.

Hanumanthiah was Solemny affirmed.

To the 1st question.—Yes I know Venkanachar.

To the 2nd question.—He was in the Mutt when I went to it while it was at Chithambaram.

To the 3rd question.—He was sent away from the Mutt in the year Parthiva. I do not know the reason why.

To the 4th question.—I do not know who did Shanbogue's work.

Narasimachar was solemnly sworn.

To cross examination I.—I know Venkanachar.

To cross examination II.—I met him at Chidhumbaram in the Mutt.

To cross examined III.—Swamiar sent him out and I do not know the actual reason for it.

To cross examined IV.—I do not know who did Shanbogues work.

To cross examination I.—Venkanachar was doing shanbogue's work.

To cross examined II.—I was not present when he was appointed. I do not know that the Swami gave him the appointment.

To cross examined III.—I heard that Ambhari was stolen I heard that it was stolen at Madras.

To cross examined I.—Venkanachar was doing shanbogues work.

To cross examined II.—I do not know who appointed him. I was not present then.

To cross examined III.—I do not know where and when Ambari was lost or stolen.

Read over Translated to the witnesses.

(Sd)

(Sd)

Taken by me in open Court on solemn affirmation this 3rd day of December 1888.

(Sd) * * * *

District Munsiff.

Answers to the interrogatories forwarded to this Court.

1st witness Hanoomanthia, son Sashappa Iyer aged 62 living in Hanoomanthapoora.

On solemn affirmation.

Answer to the 1st question:—I know Shama Char and the late Swami of the Mutt.

Answer to the 2nd question.—I saw Swami at Chithamberam.

Answer to the 3rd question:—I know Venkachar. He is the brother of 2nd plaintiff.

Answer to the 4th question:—He was in the Mutt when I went to Chithamberam. He was then accountant.

Answer to the 5th question:—I don't know Balakrishna Row.

Answer to the 6th question.—I know that he arrived at Chithamberam. He spoke to the Swami. He reported that Shama Char did not depose in favor of Mutt about Ambari and the suit was decided against Mutt. On this report Swami ordered Venkannachar to go out keeping down Dhastram (accounts &c.)

Answer to the 7th Question.—No enquiry was made by Swamy before Venkannachar was sent away.

Answer to 8th Question.—Shamachar was keeping accounts of income and expenditure. His office was called shanbogue. It was heriditary.

Cross Interrogatories No. 1.—I had seen Sathia Parayana Swami. I visited him at Chithambarum and Hanoomanthapura.

No. 2.—I saw the Swami at Chithabarum and not in any other place. I remained in the Mutt at Chitambarum for two days.

No. 3.—I heard that Shamachar went to Mysore. He went to Mysore to give evidence in Ambari case.

No. 4.—The late Swami did not inform people that Shamachar was dismissed for his complicity in the Ambari theft case.

No. 5.—I did not stay in the Mutt for one or two months.

No. 6.—There are 64 office bearers. I can't describe the duties of all and do not know who are they and what are their names.

No. 7.—I had no such business.

No. 8.—I heard that Shamachar's grand-father was Shanbogue. His father was Shanbogue. He was Shanbhogue. So I say that the office was heriditory. My forefathers had told me so. I do not remember, what document I saw about the right.

No. 9.—I heard that 2nd plaintiff was dismissed by Sathya Parackrama Swami and not by others.

No. 10.—Rayasan, Ugranam, Parapathegar, are also offices.

This was translated to me in Tamil and I found correct.

Taken by me on solemn affirmation this 2nd day of October 1889.

Witness Hanumachar Hanumantapuram, aged 50.

Answer to Question No. 1.—I know Shamachar and the late Swamy.

No. 2.—I met the late Swamy in Ashada month at Chittambarum.

No. 3.—I know Venkanna Char. He is the brother of Shanbogue.

No. 4.—He was at the Mutt. He was doing Shanbogue duty.

No. 5.—I heard that Balakrishna Rao came to Chittambarum.

No. 6.—He informed that Shanbogue gave false evidence Then Swamy ordered that Venkannachar should be sent out and Venkannachar was sent out.

No. 7.—No enquiry was made.

No. 8.—Shama Char was Shanbogue. He kept accounts of all expenditure and income. The office of Shanbogue was heriditary.

Answers to cross questions No. 1.—I met Sathia Parayanaswamy. He remained in Hanmuntpuram for 3 days.

No. 2.—I met the late Swamy at Kumboconum also. I remained at the Mutt for two days while at Chittambram.

No. 3.—Shama Char went to Mysore. He was sent in connection with Ambari case. He went to give evidence.

No. 4.—Swamy had not informed people that he dismissed Shama Char in connection with Ambari case.

No. 5.—I had not remained in the Mutt for a month or two.

No. 6.—There are 64 offices in the Mutt. I do not know the names of all officers and their duties. I know Shanbogue and Dwarapalacas.

No. 7.—I had no such business. Shanbogue's office has the duty of keeping accounts &c., and send Sreemugum &c,

No. 8.—I heard that the office has been hereditary. Poornier had created the office as hereditary. So I heard, I did not see any document.

No. 9.—Shama Char was not dissmised by any other Swamy.

No. 10.—I hear that all offices are heriditary.

(Signed) C. Shama Char.
5—10—89.

This was translated to me in Tamil and I found correct. Taken by me on solemn affirmation this 5th day of October 1889.

(Signed)

Witness Runga Iyer, Grama, Munsiff.

Answer to Question No. 1.—I know Shamachar and the late Swamy.

Answer to Questions No. 2.—I met the late Swamy on the days of Dvitiya and Thrythiya and in Ashada Bahula at Chithambram.

Answer to Question No. 3.—I know Venkannachar. He is the brother of Shamachar.

Answer to Question No. 4. Venkannachar was doing Shanbogue's duty. He was in the Mutt.

Answer to Question No. 5.— I met Balakrishna Rao.

Answer to Question No. 6.—I heard that he reported that ambari case was decided against Mutt on account of Shamachar not giving evidence in favor of Mutt. He was sent out of the Mutt. Dashras were taken from him.

No. 7.—No enquiry was made before Venkana Char was sent out.

No. 8.—Shama Char was Shanbogue in the Mutt. He kept accounts of incomes and expenditures. I heard that the office was heriditary.

Answer to cross question No. 1.—I did not see any other Swamy but Satya Veeraswamy.

Answer to cross question No. 2.—I met the late Swamy at Cuddalore and Chithambram and I remained at the Mattam for two days while at Chithambram.

Answer to cross question No. 3.—Shama Char was sent to Mysore in connection with Ambari case.

Answers cross question No. 4.—Swamy did not inform people that he dismissed Shama Char.

No. V.—I did not remain in the Mutt for one or two months.

No. VI.—I heard that there are 64 offices, I cannot describe all offices. I know Edam Valam Swamy.

No. VII.—I had no such business. I know that he kept account.

No. VIII.—I heard that the office of Shanbogue has been heriditary. I do not know who created such office. I had not seen any document.

No. IX.—I do not know that Shamachar was dismissed at any other time.

No. X.—I heard that all offices but are heriditary office.

5—10—89.

This was translated to me in Tamil and I found correct.

Taken by me on Solemn affirmation this 5th day of October 1889.

Interrogatories to Hanoomantapurada Sreenivasa Row, residing in Manja Koppa, Cuddalore District.

1. Yes.
2. In 1885.
3. He was Shanbogue and working as such.
4. In good terms.
5. To Mysore.

To prosecute a case of theft.

6. I hear it is for life.

(Signed)

Cross Interrogatories to Hanumanthapura Sreenivasa Row

1. Only once. He remained for 15 days.
2. Yes.
3. Yes, he was working.

4. No.

5. No.

6. There is one Royasam and Yeda and Vala Sevai. That is all I know. I can't name them.

7. No.

8. I hear it is heriditary. I can't say who made it so. I saw no papers.

9. No. I don't know.

10. I hear Royasam is also heriditary.

Read over to witness in English and admitted correct.

27—9—89.

(Signed) In Tamil.

(Sgd.)

District Munsiff.

Interrogatories to Raghavendra Rau. Pensioned Inspector, residing in Munja Koppa Cadalore District.

1. Yes.

2. In Parthiva.

3. He was shanbogue and worked as such.

4. Friendly.

(Signed) In Tamil.

5. To Mysore. To give evidence in a theft case I heard.

6. It is heriditary.

Cross interrogatories to Pensioned Inspecter Raghavendra Row.

1. Only once. 10 or 14 days.

2. Yes.

3. He was working.

4. No.

5. I saw Satya Parayanar coming here thrice.
Only one or two days on each occasion.

6. I can't name all. The Shanbogue is the principal. There was a Royasam. There were several others. I can't describe.

7. Yes.

8. 45 years ago the 2nd plaintiff's uncle Subbannacharry held the office.

Again his son Sreenivasa Chary was holding the office on the 2nd occasion. Then came in the 2nd Plaintiff. I can't say who made it heriditary. I saw no document.

9. No. I don't know.

10. I can't say.

Read over to witness in Tamil and admitted correct.

27—9—89.

(Sd.) in Tamil.

(Sd.)

District Munsiff.

Interrogatories to Sethu Row Shrotriyadar of Salem Koppa residing in Manja Koppa Cuddalore District.

1. Yes.

2. In 1885.

3. He was shanbóga.
He did work as Shanboga.
4. Friendly terms.
5. To Mysore.

To find out the theft of the ambary. I know only that much.

6. It is for ones life.

Cross interrogatories to Satu Row Shrotriyadar of Salem Koppam.

1. Only once.
He remained for 13 days.
2. Yes.
3. Yes. He was working.
4. No.
5. Yes. He once stayed in my house for 2 days.
6. No. But I can say one Shanbogam, Rayasan, Parpathyam, Madi (Storekeeper) Jari. Lampholder &c. I know. I don't know their names or pay.
7. No.
8. It is heriditary. Shamachar's uncle Subbannachary was his predecessor. Therefore I say it is heriditary. No.
9. No. I don't know.
10. No.

Read over to witness in Tamil and admitted correct.

(Signed) SETU ROW or RAMA ROW,

(Signed.) in Tamil * * *

District Munsif.

Interrogatories to be put to Nagojee Row record keeper residing in Manja Koppa Cudalore District.

1. Yes.
2. 5 years ago.
3. He was Shanbogue and worked as such.
4. He was friendly.
5. To Maisure. He was sent to identify the things of the Mutt once stolen but discovered subsequently.

(Signed) S. Nagojee Row.

Cross interrogatories to record keeper Nagojee Row.

1. Only once. He remained for 13 days.
2. Yes.
3. Yes. He did Shanboguees work.
4. No. Not here.
5. Yes. He was Satiya Parayanar He came here 30 years ago. I saw him for 5 days.
6. No. I know Shanbogue Par-Pathyam.
7. Yes.
8. Prior to 2nd Plaintiff. His brother Srinivasacharry was the Shanbogua. I don't know who was before him. I heard it is heriditary. I don't know.
9. I heard that the deceased Satya Veeraswami dismissed him.

10. . is also heriditary.

Read over to witness in Tamil and admitted correct.

17—9—89. (Signed) NAGOJEE ROW:

* * * * *

(Signed) *District Munsiff.*

Interogatories to Notagara Narasimachar residing in Hanoomatapura Seyali Taluk. Tanjore District.

2nd witness Nallaim Narasimachar aged 60.

No. 1. Question.—I knew Shamachar and late Swamy of the Nutt.

No. 2.—I saw the late Swamy last at Chethambaram.

No. 3.—I know Venkanachar.

No. 4.—He was in the Mutt when I went to Chithambaram. He did the duty of Shanbogue.

No. 5.—I saw Balakrishna Row.

No. 6.—He returned to Chithambaram and reported to Swamy that the case about Ambari was decreed against Mutt. The Swamy ordered Venkanna Char to go out keeping down Dastrams.

No. 7.—No enquiry was made by Swamy before Venkanna Char was sent out.

No. 8.—Shamachar was Shan Bogue. He kept accounts of income of expenditure, and the office was heriditary.

Cross-examined No. 1.—I have known Sathia Parayana Swami. I saw him at Chithambram and in my village.

No. 2.—I saw Sathia Veeraswamy the late Swamy at Chitambaram. I saw him at Kumbaconum. I remained at Chitambaram for two days.

No. 3.—Shama Char was sent to Mysore to give evidence in Ambari case.

No. 4.—Swamy did not inform people that Shama Char was dismissed for complicity in Ambari theft case.

No. 5.—I did not remain in the Mutt for one or two months.

No. 6.—There are 64 office bearers I can't describe all offices and duties.

No. 7.—I used to give our presents &c, into his hands. I had no other business in the Mutt.

No. 8.—I heard from my ancestors that the office is heriditory I have seen Shama Char's family members doing that duty. So I say that the office has been heriditary. I did not see any documents. I heard that they have Dhanasasana from Poorniah During the days of Poorniah the office was heriditory.

No. 9.—He was not dismissed by any other Swamy.

No. 10.—Royasam Parapathgar Edamvalamsavai. Dvara palakal are offices which I cannot say are heriditory or not.

This was translated to me in Tamil and I found correct.

(Signed) NARASIMACHAR, in Tamil.

2*nd October*, 1889.

It is under 5 P. M. adjourned to the 5th October.

(Signed)

Taken by me on solemn affirmation this 2nd day of October 1889.

(Signed)

District Munsiff.

Interrogatories to Geetachar residing in Hanoomantapura, Seyali Taluk. Tanjore District, 3rd witness. Geetachar of Hanumanthapura. Aged 60.

No. 1.—I know Shamachar and the late Swamy

No. 2—I saw the late Swamy in Prathama or shwithia day of Ashada Bahula at Chithambaram

No. 3.—I know Venkana Char. He is the undivided brother of Shama Char

No 4—Venkana Char was in the Mutt and he was doing Shanabhogue's duty

No. 5.—I saw Balakrishna Row at Chithambaram.

No. 6.—Balakrishna Row informed Swamy that ambari case was decided against Mutt as Shamachar had not given evidence in its favor. After hearing this report, Swamy took away Dastram &c. from Venkanachar and ordered him to go out.

No. 7.—No enquiry was made.

No. 8.—Shamachar was Shanbogue. He kept accounts of income and expenditure. This office was of heriditary right to the said Shamachar.

Cross-examined.

No. 1—I met Sathea Parayana Swamy. I met him at Chithambarum and at Hanumanthapura.

No. 2.—I met late Swami at Kungimedy and Kumbaconum. I remained in the Mutt for 3 days at Chidambaram.

No. 3.—Shama Char was at Mysore. So I heard. He went to Mysore as a witness in Ambari case. So I heard.

No. 4.—Swami did not inform any body that he dismissed Shama Char on account of his complicity in the Ambari theft case.

No. 5.—I was in the Mutt for two months during the days of Sathia Parackrama Swamy and not in other Swami's days.

No. 6.—There are 64 offices. I know Rayasam Parapathim Edam Valum Savay &c. I cant describe all the offices.

No. 7.—I had no other business Iused to give presents into Shanaboogue's hands.

No. 8.—I heard from my ancestor's that Shanabhogue's office was heriditary. I remember having seen certain Dhana Sasanum and Muthiras. The office was so created by Vyasa Theerthur and Mysore Government. So I heard. I had seen Poorania's orders.

No. 9.—I had not heard that Shamachar was dismissed during the days of any other swamy.

No. 10.—I do not known which other offices except Shanbhogue and Rayasam are heriditary.

(Signed)

Munsiff.

5—10—89.

This was translated to me in Tamil and I found correct.

GEETHACHAR,

(Signed) In Tamil.

Taken by me on O. S. this 5th day of October 1889.

(Signed)

District Munsiff.

C. S. No. 160 of 1888.

The witness Havari Venketmadvachari was duly sworn.—

Questions Answers

(1) I know the plaintiffs.

(2) Besides the plaintiffs being the desciples of the Ootrady Mutt, they were also the shanbogues of it.

(3) His Holiness Sreesatya Parayanaswami was my father when he was in his Poorvashrama.

(4) The karar marked exhibit A is in the handwriting of my father when he was in his Poorvashrama. It is dated Maghasudha 12th, year Plava and was executed by him to Shanaboga Soobbannacharlu and Hayagrivacharlu. Exhibit B which is also a karar bears my father's signature not in full but in the shape of a work called chupaspas. It is Dated Jaista Sudha 15th Subhakrathu year.

20th November 1889.

Read out to the witness in Canarese and admitted by him to the correct.

(Signed) C. SOOBBIAH,

Acting District Munsiff.

Cross Intoragatories.

Questions. Answers.

(1) He ruled about 21 or 22 years from Palguna Bahula 15th Plava year to Aswija Sudha 7th of the year Rudeodgari.

(2) I was then the Dewan of the Mutt. I was made the Dewan when I attained my 18th year. I was so for 3 or 4 years.

(3) The 2nd plaintiff's father Ananthacharlu and Sreenivasacharlu (1st plaintiff) were then the shanbogues. Sreenivasacharlu 1st plaintiff is the cousin of the 2nd plaintiff.

(4) The office of the shanbogue in the Mutt is heriditary.

(5) Shamachar's father was the shanbogue of the Mutt. He was never removed from the office so far as I know.

(6) I have seen 5 Swamys of the Mutt. I have known the affairs of the Mutt. Ever since I came to the age of discretion.

(7) To my knowledge I do not know of any such thing.

(8) No answer is necessary.

20th November 1889.

Read out to the witness in Canarese and admitted by him to be correct.

(Signed) C. SUBBIA,

Acting District Munsiff.

IN THE COURT OF THE SUB-JUDGE AT MYSORE.

O. S. No. 760 *of* 1888.

Bapannachar affirmed.

Question. 1.—The Swami had given power of attorney both to me and my father. I have lost them.

4. During the Guruship of Stree Sathiaveera Swami Streenivasa Char 1, Shama Char 2, Venkanna Char 3, (only these 3) did the duties of Shanbogue. They were all employed simultaneously and not one after another.

2. The last place to which I had been was Arni. It was in the months of Vysakha Jayashta of the year Parthiva. I was entrusted with the collection of donations by Sishyas to the Mutt. So I had been there to settle accounts.

3. I stayed there about a month.

5. The swami said that he had sent Sreenivasa Chary to Mysore to find out some clue as to theft of certain jewels. But I don't know personally when he was sent. After Streenivasa Chary went away. Shama Chary alone did Shanbogue's duties.

20—3—89.

(Signed)

Naranachar affirmed.

Question.—The Swami of Utharaji Mutt had given power of attorney both to myself and my father. I produce them. 4 in number.

(2) The last time I went was to Madras in the year Tharana.

(3) I stayed there 4 or 5 months. I went there to settle accounts regarding certain village leased to me by him.

(4) The persens who were doing duties of Shanbogue, were, Sreenivasachar, Shamachar, Venkannachar, and Shamachar. 4 persons simultaneously.

(5) In the month of Palguna, Tharana year the Swami came to Thiruvallur. He sent away Streenivasachary to Mysore. 10 days previous to that his son Samannachar went away. After Streenivasachary left the place, the remaining 2 persons Samachar and Venkanachar looked the Shanbogue duties. After these Bheemashanachary.

20—3—89.

(Signed) T. S. KRISHNAIYER.

IN THE DISTRICT MUNSIFF'S COURT AT VELLORE.

22nd March 1889.

Witness Vengalee Rajachari affirmed.—

Question.—1. Shamachari was doing shanbhog's duties.

2. I have not got with me the lease deed and the Moktearnama at present. They may be somewhere or other at Kaverypatnam in my dufter.

3. I know Venkannachari. After Shamachari left the Mutt. Vencannachari was doing his work for (ten) (10) days and then Bheemasenachari is doing that work till now. Vencannachari was driven away fromthe Mutt when it was at Chidambaram I cannot say the year month or date at which it was so done.

4. Srisathiaveera Swamygul.

Cross-examined.

1. I have no letters or other papers to produce now.

2. I do not know at what time the Ambaree was stolen away. I also was told that it was lost.

3. Srinivasa Chari had the custody of the Ambaree at Madras.

Sreenivasa Char's son was suspected in the matter by the Swami.

4. I have seen the following Swamies of Oothradi Mutt.

Sree Sathia Parayanaru.

Sri Sathia Kamaru.

„ Sathiyeshtaru.

„ Sathia Parakramaru.

„ „ Veeraroo.

„ „ Dheeraru.

In the days of Sathia Parakramaru these two persons were dismissed and were out of employ for 2 or 3 years. They joined the Mutt when Sathia Veeraru came to power and were again dismissed by the latter Swami.

5. Yes. I have seen some of them and heard of the others. One is not more important than the other in any way.

6. The Mutt at Holay Narasipoor is not more important than the other Mutts.

Read over to me in open Court and acknowledged to be correct.

(Signed)

Taken down by me in open Court on solemn affirmation this 22nd day of March 1889.

(Signed) C. RUNGA ROW,
Ag. District Munsiff
Vellore.

C. S. No. 760 *of* 1888.

Exhibit No.

Deposition of witness No. 1 for the Defendant.

I do hereby on solemn affirmation state that.

My name is Swami Row.

My father's Name Rowjee.

My religion Hindu my caste Brahmin.

My age about 49 years.

My occupation Vakil of the District Court.

My residence at Dharwar.

Taluka Dharwar.

District Dharwar.

Examination in chief.

Answer to question 1.—Satea Parayana Swami did not address me any Angya patras. I knew His Holinees Satea Parayanaswami. He is no more. I knew Shama Charya and his elder brother Sreenivasa Charyar.

(2) I do not know as to who did the duties of shanbogue when His Holiness Satea Parayanswami came here.

Answer to question 2.—My answer to question 2 will shew that I know nothing in the matter.

Answer to question 3.—I know nothing in the matter.

Answer to question 4.—I have no personal knowledge on the subject.

Answer to question 5.—I hear that Shamacharya was dismissed from the service. I hear also that he was again restored to his office. When he was dismissed and when he was again restored I do not know; but I hear that Shamacharya and Shreenivasacharya were dismissed for a time in the times of their Holiness Satyakama, Satya Parakrama, and Satyavira and were again restored to their office, but I have no personal knowledge on the subject.

Cross-interrogatories.

Answer to question 1.—Satea Kamaswami came to Dharwar twice as far as I remember.

Answer to question 2.—I do not remember how long His Holiness stayed here each time.

Answer to question 3.—I do not remember as to who did duty as shanbogue in the Mutt on those occasions.

Answer to question 4.—I do not remember as to who were doing duties as Parapathya and Ugrana.

Answer to question 5.—I cannot answer this question as I have no knowledge or information on the subject.

Answer to question 6.—I know not Ananta Charya. I know Rayas Krishna Charia. I know not Dambal Padmanabha Charya.

Answer to question 7.—I do not know their relationship to each other.

Answer to question 8.—I do not remember anything on the subject.

Answer to question 9.—I am a desciple of this Mutt. I have seen six of the successive Gurus. The plaintiffs were, I believe doing duties as shanbogues on those days.

Answer to question 10.—The present Swami has made a gift to me of the Matadikar inasmuch as my family is concerned. A deed is passed to me. The gift is still in force.

Answer to question 11.—As far as I remember, I did not send any Mohazur of the kind.

Answer to question 12.—As I did not send any Mahazur of the kind.

Answer to question 13.—As I did not send any Mahazur, I cannot assign any reason.

Answer to question 14.—From what I have said above my knowledge on the subject can be tested.

Answer to question 15.—My answer is that I do not know in what places the dismissals took place.

Deposed before me on S. A. this 21st day of September 1889.

(Signed) RAO SAHEB,
1st Class Sub-Judge.

MYSORE COURT.

No. 760 *of* 1888.

Deposition of witness No: for the Defendaat
I do hereby on solemn affirmation state that.

My name is Tirumul Rao, my father's name Sheshagiri Rao.
My religion Hindu, my caste Brahmiu.
My age about 49 years my occupation District Pleader.
My residence at Belgaum.

Examination in Chief.

Replies to questions.

1. Yes.

2. I was acquainted with Satea Parayana, Sathya Prakram, Sathyaveera and the present Swami Satyadheer.

3. I believe in the year 1886.

4. Yes.

5. Shama Charya's complaint was I believe that the present Swami was not properly installed and therefore his name should not be entered in the Government Records. I heard that Shama Charya withdrew his complaint.

6. I was not present when the complaint was with drawn. And therefore I cannot say why it was withdrawn.

7. I have not received any *Agna Patra.*

8. I believe the appointment is not hereditary.

9. I believe Shama Charya had been dismissed twice once by Satea Parakram and again by Satea Veeraswami. But I do not know the years.

10. I did not see Satea Veeraswami after the loss of Ambari at Madras.

11. I know that Herkol Bhimsomacharya performing the duties of shanbogue. I cannot give the date.

12. No.

To Cross Questions.

1. Yes. I did appear but I did not remain there until the matter ended.

2. No.

3. No.

4. Mohosomaradhana took place in the month of Ashwin. I do not remember the exact date when Satyaviraswami left Belgam.

5. Yes. I saw him at Madras.

6. I hava personally seen Herkal Bhimsoinacharya performing the duties of shanbogue.

7. I was not present. No answer is necessary to questions A, B, C and D.

8. I have seen Satyaparayanaswami at Gokak, Athin and Belgam and Sathyapara Kramaswami at Belgam. And Sathya Veeraswami at Belgam, Mongutti and at Madras. And Satea-Dheeraswami at Karaggi, Chikodi and Belgam. I have only seen Shama Charaya performing the duties of shanabogue at Belgam and Mongutti during the time of Satea Veeraswami.

9. I cannot say.

10. I don't know.

11. My reasons are as noted below.

(1) Shama Charya had been dismissed more than once (2). He is one of the servants of the Mutt and as other Servants are dismissed and appointed at the pleasure of the Swami. So his appointment is not also hereditary.

12. Dharwar Vakeel Shrinivasa Row was not related to me. I do not know Mahazar.

13. I do not know the hand-writing of the writer.

(1) Rama Row Dature is my uncle. I cannot say whether it contains my uncle's signature or not.

(2) I cannot give the respective dates but I remained at Madras one day and returned next day.

(3) I do not know who was doing the duties of shanabogue while I visited Satea Veera Swami at Madras.

(4) Yes.

(Signed)

Solemnly affirmed before me this day. 11th October 1889.

(Signed)

I do hereby on solemn affirmation state that my name is Huchrao. My father's name Achutrao. My religion Hindu. My caste Brahmin. My age about 49 years, my occupation District Pleader my residence at Belgam.

Examination in Chief.

Replies to questions :—

(1) I know them all.

(2) I have been personally acquainted with Satya Parayan, Satyakam, Satya Parakrama, Satyaveer and the present Satyadheer Swamees.

(3) I believe the defendant was installed in the year 1886.

(4) Yes.

(5) Shamachary's allegation was, I believe, that the defendant was not legally installed and therefore his name should not be entered in the Government accounts. At the conclusion of the enquiry Shama Chary withdrew his complaint.

(6) Shama Char seemed to be uncertain of success in the matter listened to the advice given by some of the dependants of the Swami and others to withdraw the complaint.

(7) I believe I have not received any *Agna Patra* regarding Shama Chary.

(8) I cannot tell whether Shama Chary's appointment as Shanabogue is heriditary.

(9) Shama Chary had once, as for as I remember been turned out of the Mutt by Satea Parakrama Swami and again by Satea Veera Swami, since he has not been readmitted in the mutt.

(10) I only heard the loss of ambary at Madras. I did not see Satea Veera Swami again since he left Belgam.

(11) Since Shama Chary's removal from the Mutt Bhimshena Chary Herkal has, I believe, been performing the duties as Shanabogue.

(12) Yes. I did perform Mahasamaradhana. I did not pay anything to Shama Chary on account of his being Shanabogue.

To cross questions.

(1) Yes. I did appear.

(2) I undertook the entire expense of feeding.

(3) Answered above.

(4) In the month of ashwin I cannot give the exact date when Satea Veeraswami left Belgam.

(5) I did not see the Swami again after he left Belgam.

(6) I have seen Bhimshama Char performing the duties.

(7) I was not present when the Plaintiff's were removed from the Mutt.

(8) I had seen Satea Parain Swami at Dharwar but don't remember having seen the Plaintiffs then as couple of years has passed away, I have seen Sateakam Swami at Bagulcote and Satea Parakram Swami at Belgam but not the Plaintiffs on either occasions, I saw Satea Veera Swami at Belgam with the Plaintiff Shama Chary who was then acting as shanabogue.

(9) I cannot say.

(10) I am not aware of any rules and cannot tell the usages and customs.

(11) I cannot tell whether Shamachary's appointment as Shanabogue is hereditary.

(12) Rao Saib Srenivasa Row was my cousin brother. I am not aware of the Mahazer.

(13) I don't know in whose handwriting the letter is. My brother Rao Saib Sreenivasa Rao is not living now.

(Signed) HUCH ROW,
Pleader.

Solemnly affirmed before me this day, 11th October 1889.

(Signed) G. V. BHIMA ROW,
Sub Judge.

Deposition of witness No. I do hereby on solemn affirmation state that

My name is Padmanaba Chari.
My father's name Venkopa Chari.
My religion Hindu, my caste Brahmin.
My age about 58 years.
My occupation Purana.
My residence at Bagalkot.
Taluka Bagalkota.
District Bizapur.

Examination in chief.

(The witness answers as follows.)

To question.—1. I was in the Uttaraji Mutta for about 18 (eighteen years).

To question.—2. I held no specific appointment in the Mutt. I was doing such work as was ordered by the Swami, during the whole period stated above.

To question 3.—Yes, I held the appointment of shanbhog of the Mutta for about 2½ or 3 months. I commenced that work in the month of Bhadropad and was relieved of it in Kartic. This occured in the year "Rudrodgari."

To question 4.—One Krishnachari Rayas was the shanbhog of the Mutt before me. Some quarrel took place between him and the Swami, and therefore the latter ordered me to do his shanbhog's work. When I was doing the shanbhog's work Krishnachari was in the Mutt but unemployed.

To question 5.—I don't know whether the shanbhog's office held by Shamachar and his brother was heriditary one or not. But I was seeing Shamachar or a brother of his doing shanbhog's work almost always, when I was in the Mutt.

(Replies to cross interrogatories).

Answer to question 1.—Yes, I know shanbhog Anantachar and Rayasada Kristnachar. The plaintiff Shreenevasachar is the son of Anantachar's elder brother. The plaintiff Shamachar is the son of the said Anantachar.

To question 2.—The adoptive mother of Rayasada Krishnachar is the daughter of a distant cousin of mine.

To question 3.—I don't know where shanbhog Anantachar had gone and for what purpose before coming to Dharwar. After he came to Dharwar the Swamy ordered me to deliver over charge of shanbogue duties to him (Anantha Char) and I did so.

To question.—4. While I was in the Mutt I saw the Swamis called Satea Parayana and Sateakam. During the time of these Swami's the Plaintiffs Sreenivasa Char and Shama Char were doing the duties of shanbogue.

To question.—5. I have stated above that I do not know whether the shanbogue's office is heriditary or not. I have not seen any old document on the subject.

To question.—6. The present Swamy has given me the Matadikara over the places called Karoor and Ramadrug and surrounding places. He has not given me anything else.

The above answers were given by the witness in Canarese but were taken down in English as the interrogatories were in English. The above answers on being translated and read over to the witness he admitted them all to be correct.

17—9—89.

(Signed)

Sub-Judge.

Examination of Subramaneachar as per Commission received from the Sub-Judge of Mysore in O. S. No. 760 of 1888 on the file of his Court.

ಪ್ರಮಾಣ ಮಾಡಿಸಿ ಇದೆ.

ಹೆಸರು	...	ಸುಬ್ರಹ್ಮಣ್ಯಾಚಾರ್ರು.
ವಯಸ್ಸು	...	೩೬ ವರುಷ.
ತಂದೆ	...	ಶ್ರೀನಿವಾಸಾಚಾರ್ರು.
ವಾಸಸ್ಥಳ	...	ಹೊನ್ನಾಳಿ.
ಕಸಬು	...	ವೈದೀಕಪೈತ್ರಿ ಮತ್ತು ಇನಾಂ ಜಮೀನ್ದಾರಿಗಳು.

೧ನೇ ಸವಾಲ್‌ಗೆ ಜವಾಬು.—ಹೌದು? ಸತ್ಯವೀರಸ್ವಾಮಿಗಳ ಕಾಲದಲ್ಲಿ ನಾನು ನವಾಲ್‌ನಲ್ಲಿ ಕಂಡ ಅದಿಕಾರವನ್ನು ಮೂಡಿಕೊಂಡು ಇದ್ದದ್ದು ಉಂಟು. 10

೨ನೇ ಸವಾಲಿಗೆ.—ವಿಷು ಸಂವತ್ಸರ ಲಾಗಾಯಿತು ಪಾರ್ಥಿವ ಸಂವತ್ಸರ ನವಾಲರವರಿಗೆ ೫ ವರುಷ ಮೂಡಿಕೊಂಡು ಇದ್ದಂತೆ ಜ್ಞಾಪಕವಿದೆ.

೩ನೇ ಸವಾಲಿಗೆ.—ಆ ಕಾಲದಲ್ಲಿ ಗುತ್ತಿಗೇ ಲೆಖ್ಖ ಇಟ್ಟಿದ್ದೆ. ಅವು ನನ್ನಲ್ಲಿ ಇರುವಯಿಲ್ಲದ್ದು ಗೊತ್ತು ಹೇಳಲಾರೆ? ಹುಡಿಕಿ ನೋಡಿ ಶಿಕ್ಕಿದರೆ ನಾಳೆ ಹಾಜರು ಮಾಡುತ್ತೇನೆ. ನನ್ನ ಗುತ್ತಿಗೇ ಹಣದಲ್ಲಿ ೨ನೇ ವಾದಿ ಶ್ಯಾಮಾಚಾರ್ರಿಗೆ ಆಗಲಿ, ಶ್ರೀನಿವಾಸಾಚಾರ್ರಿಗೆ ಆಗಲಿ ವರ್ತನೇ ಕೊಟ್ಟಂತೆ ಜ್ಞಾಪಕವಿಲ್ಲ. ಕೊಟ್ಟಿದ್ದರೆ ಲೆಖ್ಖದಲ್ಲಿ ದಾಖಲೇ ಇರಬೇಕು. ಲೆಖ್ಖ ಹುಡಿಕಿ ನೋಡಬೇಕು.

ಈ ಬಳಿ ಬಾಳಬಂದುನಲ್ಲಿ ಸುಬ್ರಹ್ಮಣ್ಯಾಚಾರ್ರು ರುಜು ಎಂದು ಇದೆ.

೪ನೇ ಪಾಟೇ ಸವಾಲಿಗೆ ಜವಾಬು.—ಇಂದಿ ಮೊಕ್ಕಾಮಿನಲ್ಲೆ—ಸ್ವಾಮಿಗಳು ವರ್ತನೇ ಲೆಖ್ಖಗಳನ್ನ ಫೈಸಲ್ ಮಾಡಿದ್ದರಂತ ಜ್ಞಾಪಕವಿಲ್ಲ. ವಿವೇಚ ಶ್ರೀ ಸತ್ಯವೀರಸ್ವಾಮಿಗಳು ಮದರಾಸ್ ಪ್ರಾಂತ್ಯ ಬಂದಾಗ್ಯೆ ಲೆಖ್ಖ ಫೈಸಲ್ ಮಾಡಿದ್ದಾರೆ. ಅವು ನಾನು ಮತಕ್ಕೆ ಕೊಡತಕ್ಕ ಗುತ್ತಿಗೇ ಮೊಬಲಗಿನ ಲೆಖ್ಖಗಳು ಆ ಸ್ವಾಮಿಗಳು ಮತಯ್ಯವ ವರ್ತನೇ ಲೆಖ್ಖ ಫೈಸಲ್ ಮಾಡಿದ ಜ್ಞಾಪಕ ನನಿಗೆ ಸಾಲದು. ಪಟ್ಟಿಗೆ ನಾನು ಕೊಟ್ಟ ಕಣಕ್ಕೆ ಮಾತ್ರ ಮತದಿಂದ ರಶೀತಿ ನನಗೆ ಬಂದಿದೆ. ಈ ರಶೀತಿ ಸಂಬಂಧ ಮೊಬಲಗಿನ ಲೆಖ್ಖಾಚಾರವೇ ಸ್ವಾಮಿಗಳು ಫೈಸಲ್ ಮಾಡಿದ್ದು. ಅಂಥಾ ಲೆಖ್ಖ ಫೈಸಲ್ ಮಾಡುವುನಲ್ಲೇ ಆಯಿತೋ, ಮತ್ತೆಲ್ಲಾ ಯಾದರೂ ಆಯಿತೇ ಅದರ ಜ್ಞಾಪಕವಿಲ್ಲ.

ಹಾಂಗೆ ಅವರು ಫೈಸಲ್ಮಾಡಿದ ಲೆಖ್ಖಗಳು ನನ್ನಲ್ಲಿರಬಹುದು. ಹುಡಿಕಿ ನೋಡಬೇಕೂ, ಜ್ಞಾಪಕ ಸಾಲದು. 30

೫ನೇ ಕ್ರಾಸಿನ ಸವಾಲಿಗೆ.—ಸತ್ಯವೀರ ಸ್ವಾಮಿಗಳನ್ನು ಈಗ ಇರುವ ಸತ್ಯಧೀರ ಸ್ವಾಮಿಗಳು ಇವರನ್ನೂ ನೋಡಿ ಇದ್ದೇನೆ. ಸತ್ಯವೀರ ಸ್ವಾಮಿಗಳ ದಿವಸದಲ್ಲಿ ವಾದಿಗಳು ಕಾನುಭಾವಿಕೇ ಕೆಲಸ ನೋಡುತ್ತಿದ್ದರು. ಆದರೆ ಇಪ್ಪೆ ಕಾಲ ನೋಡಿದರೆಂತ ಹೇಳಲಾರೆ? ಸತ್ಯಧೀರ ಸ್ವಾಮಿಗಳ ಕಾಲದಲ್ಲಿ ನಾನು ಆ ಸ್ವಾಮಿಗಳ ಸವಿಾಪ ಹೋಗಿದ್ದಾಗ್ಯೆ ವಾದಿಗಳು ಕಾನುಭಾವಿಕೇ ಕೆಲಸ ನೋಡುತ್ತಾ ಇರಲಿಲ್ಲ.

೬ನೇ ಕ್ರಾಸು ಸವಾಲಿಗೆ.—ಮತದ ಕಾನುಭಾವಿಕೇ ಕೆಲಸ ಪರಕಾಲ ಹಕ್ಕದಾರಿಕೆ ಕೆಲಸ ಹೌದೋ ಅಲ್ಲವೋ ಆ ಸಂಗತಿ ನನಗೆ ತಿಳಿಯದು.

ಈ ಬಳಿ ಬಾಳಬಂಧೂನಲ್ಲಿ ಸುಬ್ರಹ್ಮಣ್ಯಾಚಾರ್ರು ಎಂದು ರುಜು ಮಾಡಲ್ಪಟ್ಟಿದೆ.

The Parties or their Pleaders did not appear. Taken down by me in open Court and read over to witness. 40

(Signed) B. SREENIVASA ROW,
Munsiff

14—10—89.

ದಫಾ ತಾರೀಖು 15—10—89ಲ್ಲು ಸಾಕ್ಷೀ ವಿಚಾರಣೇ ಸವಾಲು ನಿನ್ನೇದಿನ ನೀವು ಬರಿಸಿರುವ ಕೈಫೀತಿನಲ್ಲಿ ನಮೂದಿಸಿ ಇರುವ ಪ್ರಕಾರ ಲೆಖ್ಖಗಳನ್ನ ಹಾಜರ್ಮಾಡಿ ಜವಾಬು ಲೆಖ್ಖಗಳನ್ನ ಚನ್ನಾಗಿ ಹುಡಿಕಿ ನೋಡಿದೆ, ಶಿಕ್ಕವಿಲ್ಲ. ಮೈಸೂರಲ್ಲಿ ನಮ್ಮ ಅಣ್ಣ ಹೊನ್ನಾಳೀ ವೆಂಕಣಾಚಾರ್ರು ಇದ್ದಾರೆ. ಕಚೆರಿಸೀಯಲ್ಲಿ ನಮ್ಮ ಮೂವ ವ್ಯಾಸಾ ಚಾರ್ರಿದ್ದಾರೆ, ಇವರುಗಳಲ್ಲಿ ನನ್ನ ಕೆಲವು ಕಾಗದ ದಪ್ತರಗಳು ಇವೆ. ಅವುಗಳಲ್ಲಿ ಸದರೀ ಲೆಖ್ಖಗಳೇನಾದರೂ ಇಧೆಯೋ ಹ್ಯಾಗೋ ನನಿಗೆ ಜ್ಞಾಪಕಸಾಲದು. ಈಗ ನನ್ನ ಮನೇಲಿ ಆ ಲೆಖ್ಖಗಳು ಇಲ್ಲ.

ಈ ಬಳ ಬಾಳಬಂದೂನನ್ನಿ ಸುಬ್ರಹ್ಮಣ್ಯಾಚಾರ್ರ ರುಜುವಿಧೆ.

10 Read over to witness

(Signed) B. SREENIVASA ROW,
Munsiff.